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**FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463**

FIRST GENERAL COUNSEL'S REPORT

MUR 5472

DATE RECEIVED: June 29, 2004

DATE ACTIVATED: September 29, 2004

EXPIRATION OF SOL: March 10, 2009

COMPLAINANT:

Jill Holtzman Vogel, Chief Counsel, RNC

RESPONDENTS:

**Republican Victory 2004 Committee, Inc.
Republican Victory Committee, Inc.
Jody L. Novacek, treasurer, in her official
and personal capacities
Jason Novacek, in his personal capacity
Freeda Novacek, in her personal capacity
BPO, Inc.
BPO Advantage, LP**

**RELEVANT STATUTES
AND REGULATIONS:**

**2 U.S.C. § 433(a)
2 U.S.C. § 434(a)
2 U.S.C. § 441(d)(a)
2 U.S.C. § 441d(c)
2 U.S.C. § 441h(b)
11 C.F.R. § 102.7
11 C.F.R. § 102.15
11 C.F.R. § 103.2
11 C.F.R. § 103.3(a)
11 C.F.R. § 110.11(a)
11 C.F.R. § 110.11(b)(3)
11 C.F.R. § 110.11(c)**

INTERNAL REPORTS CHECKED:

FEC Disclosure Reports

FEDERAL AGENCIES CHECKED:

Internal Revenue Service Public Filings

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I. INTRODUCTION

This matter concerns solicitations to the public made by The Republican Victory Committee, Inc. a/k/a Republican Victory 2004 Committee, Inc. a/k/a Republican Victory 2004 Committee ("the Committee"). The complainant Republican National Committee ("RNC") alleged that the Committee violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by knowingly and willfully fraudulently misrepresenting itself as being affiliated with or acting on behalf of the national Republican Party, and knowingly and willfully participating in a scheme to do so.¹ See MUR 5472 Complaint ("Complaint").

The Complaint alleges that the Committee, through its treasurer, Jody Novacek, and its directors, Jason Novacek and Freeda Novacek,² employed BPO, Inc. and/or BPO Advantage, LP (collectively, "the BPO entities") to assist in conducting a telemarketing fundraising campaign. The purpose of the campaign was to solicit contributions and donations on behalf of the Committee. The BPO entities hired as a subcontractor a company called Apex CoVantage, L.L.C. ("Apex"), which in turn arranged for fundraising calls to be made on behalf of the

¹ The apparent impetus for this Complaint was certain news reports in June 2004 that repeated allegations, first made in 2003, that the Republican Party had outsourced jobs making fundraising calls on behalf of the Party to India; the Complaint implies that the Respondents named herein were responsible for that outsourcing. At present time, those allegations appear to be unsubstantiated: there is no evidence of any ties between HCL (the company alleged to have made calls from India on behalf of the Republican Party in 2002-03) and any current Respondent. Furthermore, it does not appear that the Committee even existed at the time those allegations initially came to light, and therefore could not have been responsible for such alleged outsourcing. However, should any different information come to light during the course of investigation, this Office will address it in a separate General Counsel's Report.

² For purposes of this report, hereinafter any reference to "Ms. Novacek" is intended to refer to Jody Novacek; any reference regarding Freeda Novacek will state her full name.

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1 Committee.³ The Committee followed up the fundraising calls with mailings requesting the
2 promised contributions and donations.

3 The communications via telephone and mail contained statements that, when taken in
4 context, implied that the Committee was affiliated with or acting on behalf of the Republican
5 Party. In addition, the phone calls made on behalf of the Committee did not contain the
6 appropriate disclaimer information and the mailing did not utilize the appropriate format for its
7 disclaimer. Finally, the Committee has repeatedly failed to submit reports to the Commission,
8 despite direct acknowledgement of its obligation to do so.

9 Based on a review of available information, this Office recommends that the
10 Commission: 1) find reason to believe the Committee knowingly and willfully violated 2 U.S.C.
11 §§ 433(a), 434(a) and 441h(b); 2) find reason to believe the Committee violated 2 U.S.C.
12 §§ 441d(a) and 441d(c); 3) find reason to believe Jody Novacek, in her official and personal
13 capacities, knowingly and willfully violated 2 U.S.C. §§ 433(a), 434(a) and 441h(b); 4) find
14 reason to believe Jody Novacek, in her official capacity, violated 2 U.S.C. §§ 441d(a) and
15 441d(c); 5) find reason to believe BPO, Inc. and BPO Advantage, LP knowingly and willfully
16 violated 2 U.S.C. § 441h(b)(2); and 6) take no action at this time regarding Jason Novacek and
17 Pranda Novacek.

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³ It appears that Apex utilized its affiliated call centers in India to actually conduct the telephone calls as part of the Committee's fundraising campaign. At this time, there is no evidence Apex was involved with the Committee or the BPO entities in any way other than a valid corporate transaction and there is no evidence Apex had any knowledge of or involvement in Respondents' scheme. In fact, according to the Complainant, a call from an Apex representative alerted the Republican National Committee to the activities that are the subject of this report. In addition, although Apex made calls from India, it does not appear those calls were the same calls that led to the 2003 press reports.

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II. FACTUAL AND LEGAL ANALYSIS

A. *Background of the Committee and Jody Novacek.*

In 2004, Jody Novacek, who since 1982 has been involved in Republican Party activities including fundraising, voter identification, advocacy, and get-out-the-vote activity, formed a committee called "The Republican Victory Committee, Inc." See Attachment 1, Letter dated June 30, 2004 from Republican Victory 2004 Committee ("Committee Response"), p. 3.⁴ The Committee is incorporated in the State of Texas. See Attachment 10, Letter to Postal Inspector from Committee. "The Republican Victory Committee, Inc." has used different variations of its name on different occasions and the Committee's purpose is unclear; indeed, the Committee's own public filings are not consistent.

For example, on July 2, 2004, the Committee filed an initial Statement of Organization with the Commission under the name "The Republican Victory Committee Inc." See Attachment 2, Statement of Organization. The Statement of Organization was dated May 10, 2004; according to the instructions for this form, this date should have reflected the date the group became a political committee. The signature line was dated June 30, 2004 and the form listed Jody Novacek as treasurer, custodian of records and designated agent. The form indicated that the Committee was a separate segregated fund, but did not specify with which entity it was affiliated.

Therefore, on August 4, 2004, the Reports Analysis Division ("RAD") sent the Committee a Request For Additional Information asking with which entity it was affiliated as a separate segregated fund. On September 1, 2004, the Committee submitted an amended

⁴ Ms. Novacek initially was notified of and received a copy of the Complaint in this case from a reporter; accordingly, she submitted this "response" prior to being formally served by the Commission.

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1 Statement of Organization indicating that it was neither a separate segregated fund nor a party
2 committee. See Attachment 3, Amended Statement of Organization. The Amended Statement of
3 Organization was filed under the name "The Republican Victory Committee" and the form again
4 listed Jody Novacek as treasurer, custodian of records and designated agent. The Committee
5 appears to conduct business, however, under the names "Republican Victory Committee" and
6 "Republican Victory 2004 Committee." See Attachment 4, Committee Mailing and
7 Attachment 5, Committee Call Script.

8 The Committee also has vacillated regarding the type of organization it claims to be. The
9 Committee says that, in the late Winter or early Spring of 2004, it initially filed with the IRS a
10 Form 1023 Application for Recognition of Exemption under Section 501(c)(3).⁵ See Attachment
11 1, Committee Response, p. 8. However, the Committee says that it later contacted the IRS,
12 withdrew the Form 1023, and, on May 10, 2004, filed electronically with the IRS a Form 8871
13 Political Organization Notice of Section 527 Status. *Id.*; Attachment 6. This form was filed
14 under the name "The Republican Victory Committee, Inc.," listed Jody Novacek, Freeda
15 Novacek and Jason Novacek as directors of the Committee, and listed Jody Novacek as custodian
16 of records. That filing claimed that the Committee was "[a] conservative, Pro-Republican Group
17 (sic) focusing on voter mobilization and issue advocacy at the state and local levels." There is no
18 record of any other filings by the Committee on the IRS website.

19 The Committee purports to be a "national organization" that is "conservative" and "pro-
20 Republican" and whose declared intent is to assist state and local elections. See Attachment 5,
21 Committee Call Script ("The Republican Victory Committee is a national group that supports

⁵ The date of the filing (or if the filing actually occurred) is currently unknown because the Committee did not provide a copy of this filing and the form is not listed on the IRS website.

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1 state and local candidates."); Attachment 6, IRS Form 8871 ("A conservative, Pro-Republican
2 Group (sic)"); Attachment 4, Committee Mailing ("help support Republicans across the
3 country"). However, the information provided by the Committee on various occasions presents
4 contradictory evidence as to whether the organization was intended to influence, and in fact was
5 influencing, federal elections.

6 For example, at times, the Committee stated that its activities included voter mobilization
7 and issue advocacy at the state and local levels, and that it would support Republican candidates
8 at the state and local level. See Attachment 6, IRS Form 8871 ("focusing on voter mobilization
9 and issue advocacy at the state and local levels"); Attachment 1, Committee Response, p. 3
10 ("help candidates at the state and local levels"); Attachment 5, Committee Call Script ("so
11 Republicans can win at the state and local levels"); Attachment 4, Committee Mailing ("Strong
12 support at the local and state levels"). Yet other statements indicated that the Committee's
13 actions were intended to and would affect federal elections. See Attachment 3, Amended
14 Statement of Organization, line 5(f) ("supports/opposes more than one Federal candidate");
15 Attachment 5, Committee Call Script ("support our state candidates and President Bush's
16 agenda"); Attachment 1, Committee Response, p. 9 ("our efforts would in fact impact federal
17 elections"); Attachment 4, Committee Mailing ("support Republicans across the country;"
18 "defeat Democrats at all levels").

19 The Committee also has failed to file any reports with the Commission or IRS regarding
20 its finances. The Committee has, however, filed reports with the Texas Ethics Commission from
21 January 2004 through the end of July 2004, apparently under the name "Republican Victory
22 Committee." See Attachment 7. Those reports indicated nominal receipts and disbursements for
23 most of the covered periods, but stated that the Committee received \$5,135 in receipts and made

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1 \$5,180 in disbursements for the period ending February 2004. This Office is aware of only one
2 political donation for \$100 made by the Committee at the end of February 2004, as listed on a
3 report filed by the recipient of that donation, Jason Moore.⁶

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16 ***B. The Committee and Jody Novacek May Have Knowingly and Willfully Made***
17 ***Fraudulent Misrepresentations in the Context of Soliciting Contributions and***
18 ***Donations.***

19
20 It appears that the Committee and Ms. Novacek embarked upon a strategy to solicit
21 contributions and donations by making fundraising calls through telephone banks and by
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⁶ Jason Moore ran for a seat in the Texas House of Representatives, 81st District and was Chairman of the Texas Young Republican Federation.

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1 following up on those phone calls with direct mailings. Those calls and mailings, however,
2 appear to have fraudulently misrepresented the Committee as affiliated with the Republican
3 Party. The Act, as amended by BCRA, states that no "person" shall:

- 4 (1) fraudulently misrepresent the person as speaking, writing, or
5 otherwise acting for or on behalf of any candidate or political party
6 or employee or agent thereof for the purpose of soliciting
7 contributions or donations; or
8 (2) willfully and knowingly participate in or conspire to participate
9 in any plan, scheme, or design to violate paragraph (1).

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11 2 U.S.C. § 441h(b).

12 To violate section 441h, the Act requires that the violator had the intent to deceive, but
13 does not require that the violator sustain all elements of common law fraud. See MUR 3690;
14 MUR 3700.⁸ "Unlike common law fraudulent misrepresentation, section 441h gives rise to no
15 tort action..." and therefore proof of justifiable reliance and damages is not necessary. See
16 Explanation and Justification, 11 C.F.R. § 110.16, 67 Fed. Reg. 76,969 (Dec. 31, 2002); *Neder v.*
17 *United States*, 527 U.S. 1, 24-25 (1999) (citing *United States v. Stewart*, 872 F.2d 957, 960 (10th
18 Cir. 1989)). The BCRA amendments were enacted in response to concerns that the prior version
19 of the statute did not permit the Commission to take action against persons not associated with a
20 candidate or a candidate's authorized committee. The amendment was necessary because
21 contributors often were solicited for money and believed their contributions and donations were
22 benefiting a specific candidate, only to learn later that the funds were diverted to another

⁸ In the past, the Commission has held on occasion that the presence of a disclaimer stating the person and/or entity that paid for and authorized a communication negates intent. See MUR 2205; MUR 3690; MUR 3700. As will be discussed in greater detail *infra*, the Committee did place a disclaimer on its mailing. See *infra*, section II.C. However, in MUR 5089, the Commission more recently rejected the notion that such a disclaimer automatically negates intent and found reason to believe that a committee violated section 441h even with the presence of a disclaimer.

1 purpose. The harm was therefore both to the candidate and the contributor. *See* Explanation and
2 Justification, 11 C.F.R. § 110.16, 67 Fed. Reg. 76,969 (Dec. 31, 2002).

3 The Committee and Ms. Novacek represented the Committee in a manner that would lead
4 a reasonable person to think the Committee's solicitations were either from the Republican Party
5 or from an entity affiliated with the Party. Courts have held that even absent an express
6 misrepresentation, a scheme devised with the intent to defraud is still fraud if it was reasonably
7 calculated to deceive persons of ordinary prudence and comprehension. *See United States v.*
8 *Thomas*, 377 F.3d 232, 242 (2d Cir. 2004), *citing Siberman v. United States*, 213 F.2d 405 (5th
9 Cir. 1954). Although the use of the word "Republican" in its name alone is not dispositive, when
10 combined with the other factors listed below, use of "Republican" in its name likely led
11 reasonable people to believe that the Committee was affiliated with the Republican Party.

12 Furthermore, the following statements were used in the Committee's direct mailings:

13 • "Contributions or gifts to the *Republican Party* are not
14 deductible as charitable contributions."

15 • "I'm grateful *our Party* can count on your help to support
16 Republicans across the country win elections."

17 • "*The Republican Party* can count on my support to help
18 candidates at the state and local level. I'm proud to help *our Party*
19 prepare for the November election."

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23 *See* Attachment 4 (emphasis added). Here, a reasonable person reading those statements --
24 particularly the non-deductibility notice, which deals with the effect of the donation and cannot
25 be dismissed as rhetorical flourish -- would have believed the Committee and Ms. Novacek were
26 soliciting money on behalf of the Republican Party.

27 Although not as clearly as the mailings, the telephone call solicitations also would have
28 led a reasonable person to believe that the Committee was acting on behalf of the Republican

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1 Party. In the Committee's telephone call solicitations, the callers appear to have been instructed
2 to speak only with registered Republicans. Once they were certain they were speaking with a
3 registered Republican, the callers asked for support for "our state candidates and President
4 Bush's agenda" because "[i]t's going to be tough to beat the Democrats this fall." The caller
5 explained, "Your financial help is critical so Republicans can win...." See Attachment 5,
6 Committee Call Script. The callers never stated that they were not affiliated with the Republican
7 Party, and their statements would have led a reasonable person to believe that they were so
8 affiliated.

9 If a recipient expressed confusion during the call, the caller was directed to use a series of
10 "rebuttals," drafted in advance by the Committee and Jody Novacek. See Attachment 5,
11 Committee Call Script. The rebuttals set forth answers to possible questions by call recipients,
12 such as questions regarding for what purpose the money would be used; questions asking who
13 and what the committee was; or statements expressing unhappiness with President Bush or the
14 war in Iraq. However, only if the recipient of the call explicitly articulated some hesitation or
15 confusion similar to the questions set forth above did the caller explain who or what the
16 Committee was; indicate in even an indirect way that the Committee was not affiliated with the
17 Republican Party, the Republican National Committee or President Bush; or indicate for what
18 purpose the donated money would be used.

19 Furthermore, the Committee's and Ms. Novacek's actions appear to have been knowing
20 and willful. The phrase knowing and willful indicates that "actions [were] taken with full
21 knowledge of all of the facts and a recognition that the action is prohibited by law." 122 Cong.
22 Rec. H 2778 (daily ed. May 3, 1976); see also *Federal Election Comm'n v. John A. Damesi for*
23 *Cong. Comm.*, 640 F. Supp. 985, 987 (D.N.J. 1986) (distinguishing between "knowing" and

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1 "knowing and willful"). A knowing and willful violation may be established "by proof that the
2 defendant acted deliberately and with knowledge" that an action was unlawful. *United States v.*
3 *Hopkins*, 916 F.2d 207, 214 (5th Cir. 1990). In *Hopkins*, the court found that an inference of a
4 knowing and willful violation could be drawn "from the defendants' elaborate scheme for
5 disguising their ... political contributions...." *Id.* at 214-15. The court also found that the
6 evidence did not have to show that a defendant "had specific knowledge of the regulations" or
7 "unambiguously demonstrate" a defendant's state of mind," if there were "facts and circumstances
8 from which the jury reasonably could infer that [the defendant] knew her conduct was
9 unauthorized and illegal." *Id.* at 213 (quoting *United States v. Bordelon*, 871 F.2d 491, 494 (5th
10 Cir.), *cert. denied*, 439 U.S. 838 (1989)). Finally, "[i]t has long been recognized that 'efforts at
11 concealment [may] be reasonably explainable only in terms of motivation to evade' lawful
12 obligations." *Id.* at 214 (quoting *Ingram v. United States*, 360 U.S. 672, 679 (1959)).

13 The Commission previously has made knowing and willful and probable cause findings
14 against a committee and individuals that violated 2 U.S.C. § 441h. In MUR 4919 (East Bay
15 Democrats),⁹ the Commission found probable cause to believe a violation of section 441h
16 occurred when a committee's campaign materials provided misleading information to potential
17 contributors. In that case, a Republican committee created a fictitious committee using the word
18 "Democratic" in the name of the committee and mailed campaign materials to registered
19 Democrats, requesting that they not vote for the Democratic candidate. The mailing alleged that
20 the Democratic candidate abandoned "our party," implying that the sponsor of the mailing was
21 affiliated with the Democratic Party. The mailing also used the name of a local Democratic
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⁹ Although a pre-BCRA case, the analysis in MUR 4919 can and should be applied to the current case.

1 leader as the signator. Finally, the letter conveyed actual Democratic Party views, in an attempt
2 to make the communications appear that they were legitimate communications of a local
3 committee of the Democratic Party.

4 In this case, the Committee used the word "Republican" as part of its name, implying
5 some type of affiliation with the Republican Party or RNC. Its mailing referred to "our Party"
6 and even explicitly referenced the Republican Party in an attempt to convince the reader the
7 mailing was from the Republican Party. The scripts produced by the Committee and Ms.
8 Novacek provide for rebuttals and more detailed and descriptive explanations of the Committee
9 (for example, stating it was not affiliated with or working on behalf of the Republican Party or
10 the Bush-Cheney campaign) -- but only if the recipient of the call specifically asked the question.
11 Furthermore, the fact that these descriptions had already been drafted and incorporated into the
12 call script demonstrates the Committee's and Ms. Novacek's knowledge that the phone calls
13 likely would be confusing to the intended recipients, and yet all failed affirmatively to address
14 this potential confusion.

15 Finally, the Committee's and Ms. Novacek's failure to file reports with the Commission
16 indicating on what, if anything, the money raised has been spent may be probative of the
17 Committee's intent to misrepresent itself to the public. *See infra*, section II.E. As described in
18 further detail below, the Committee has indicated that it has engaged in \$50,000 worth of
19 activity, but has failed to disclose to the Commission the source of its money and/or the methods
20 by which it has expended any money. *See United Health Care Corp. v. American Trade Ins. Co.*,
21 88 F.3d 563 (8th Cir. 1996) (holding that evidence of planning and intent to deceive was
22 demonstrated by review of the money trail, which showed the money was not used for its
23 intended purpose). It is unknown whether the money was placed in a bank account separate from

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1 other monies or if it was commingled with Ms. Novacek's other accounts. In fact, the only
2 indication of any political disbursement is a \$100 donation to a state candidate in Texas, as
3 reported by that candidate (not the Committee). The Committee's and Ms. Novacek's actions
4 can be used to infer that the Committee and Ms. Novacek knowingly and willfully attempted to
5 fraudulently misrepresent the Committee's true identity to those from whom it was soliciting
6 money.

7 Accordingly, this Office recommends that the Commission find reason to believe that the
8 Committee and Ms. Novacek knowingly and willfully violated 2 U.S.C. § 441h(b)(1).

9 **C. *The Committee, Ms. Novacek, and BPO, Inc. and/or BPO Advantage, LP***
10 ***Participated in a Scheme or Plan to Violate 2 U.S.C. § 441h(b)(1).***
11

12 In contravention of 2 U.S.C. § 441h(2), the Committee and Ms. Novacek also participated
13 in a scheme with BPO, Inc. and BPO Advantage, LP to violate 2 U.S.C. § 441h(1). Subsection 2
14 requires that violations of 2 U.S.C. § 441h(b)(1) be knowing and willful.¹⁰ As stated above, the
15 phrase knowing and willful indicates that actions were taken with knowledge of the facts and
16 with recognition that the action is prohibited by law. 122 Cong. Rec. H 2778 (daily ed. May 3,
17 1976); *Federal Election Comm'n v. John A. Dramei for Cong. Comm.*, 540 F. Supp. 985, 987
18 (D.N.J. 1986). Furthermore, efforts at concealment may demonstrate a defendant's state of mind
19 and intent to violate the law. See *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990).

20 BPO, Inc. is a company owned and operated by Jody Novacek. BPO Advantage, LP is a
21 marketing and consulting company also owned by Jody Novacek and listed as an affiliate of
22 BPO, Inc. See Attachment 9, News Article (K.P. Nayer, *Indian Voices in Bush Pitch -*
23 *Geography Error Blows Lid off Campaign Outsourcing*, The Telegraph (Calcutta, India), August

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1 30, 2004); Attachment 8, Dun and Bradstreet report. According to press reports, Ms. Novacek
2 hired one of the BPO entities to manage the Committee's fundraising and pay the Committee's
3 telemarketing bills. See Attachment 9. The BPO entity, in turn, hired Apex to conduct the
4 telemarketing calls. It is unknown at this time which entity (BPO, Inc. or BPO Advantage, LP)
5 paid Apex or conducted business with Apex, but it appears that the companies are virtually
6 interchangeable: Dun and Bradstreet lists the companies as affiliated entities; they are both run
7 by Jedy Novacek; and they both operate out of Ms. Novacek's home. It is also unknown at this
8 time whether either BPO entity benefited financially from its arrangement with the Committee.

9 Ms. Novacek and the Committee clearly did business and were familiar with the BPO
10 entities. In fact, it appears that Ms. Novacek was a representative of the BPO entities: Ms.
11 Novacek is the only representative referenced in the BPO entities' Dun and Bradstreet reports,
12 and their addresses and telephone numbers are the same as Ms. Novacek's home (which is the
13 same address and telephone number as the Committee). Based on all of those factors, Ms.
14 Novacek's knowledge should be imputed to the BPO entities. Therefore, from the evidence
15 available at this time, it appears that the BPO entities knowingly and willfully participated in a
16 scheme or plan with Ms. Novacek and the Committee to execute the telephone call script.

17 Accordingly, this Office recommends that the Commission find reason to believe that the
18 Committee, Ms. Novacek, BPO, Inc. and BPO Advantage, LP knowingly and willfully violated
19 2 U.S.C. § 441h(b)(2).

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¹⁰ Section 441h(b)(2) requires that a respondent "willfully and knowingly" participate in, or conspire to participate in, a plan, scheme or design to engage in fraudulent solicitation. Thus, "knowing and willful" is an element of the statute rather than a separate basis for increased civil and criminal liability under 2 U.S.C. § 437g(d)(1)(C).

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D. The Solicitations Failed to Carry Appropriate Disclaimers.

Any public communication by any person that solicits any contribution or for which a political committee makes a disbursement must contain a disclaimer. 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a). A public communication, for this purpose, includes any communication by mailing or phone bank. 11 C.F.R. § 100.26. A "telephone bank" means more than 500 telephone calls of an identical or substantially similar nature within a 30-day period. 11 C.F.R. § 100.28. "Substantially similar" means communications that include substantially the same template or language. *Id.* If the communication is not authorized by a candidate, a candidate's authorized political committee or any agent, the disclaimers must state the name and street address, telephone number or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3); 11 C.F.R. § 110.11(b)(3). The disclaimer must be presented in a clear and conspicuous manner, be of sufficient type size to be clearly readable, and be contained in a printed box set apart from the other content of the communication. 2 U.S.C. § 441d(c); 11 C.F.R. §§ 110.11(c)(1), 110.11(c)(2)(i)-(ii).

Here, the call script used by the Committee did not contain any disclaimer as to who paid for or authorized the calls, despite the fact that they were direct solicitations for donations. Because the exact number of calls made and the period in which those calls were made are unclear at this time, further investigation is necessary to determine whether the Committee and Ms. Novacek violated the disclaimer law with respect to the phone bank calls.

The mailings sent by the Committee contained a disclaimer stating that the mailing was paid for by the Republican Victory 2004 Committee and was not authorized by any candidate or candidate committee. However, the disclaimer was not set aside in a printed box apart from

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1 other content of the communication. Failure to include a box around the disclaimer is a *per se*
2 violation of the Act. Accordingly, this Office recommends that the Commission find reason to
3 believe the Committee and Jody Novacek, in her official capacity, violated 2 U.S.C. §§ 441d(a)
4 and (c).

5 ***E. The Committee and Jody Novacek Failed to File Appropriate Reports with the***
6 ***Commission.***

7
8 The Committee apparently existed as early as January 2004, although it is unclear at this
9 time when the Committee began soliciting contributions and donations. The Act provides that a
10 political committee shall file a Statement of Organization within 10 days of becoming a political
11 committee, meaning that it received contributions aggregating in excess of \$1,000 per year or
12 made expenditures aggregating in excess of \$1,000 per year. 2 U.S.C. §§ 431(4), 433(a).
13 However, the Committee did not file a Statement of Organization with the Commission until
14 June 30, 2004. The Committee has admitted that it should have filed a Statement of
15 Organization sooner and that its June filing was late. See Attachment 1, Committee Response,
16 pp. 8-9.

17 The Act also requires that a treasurer of a political committee file reports of receipts and
18 disbursements. 2 U.S.C. § 434(a)(1). Furthermore, all committees, other than an authorized
19 candidate's committee, shall file quarterly reports in a year in which a regularly scheduled
20 general election is held; the last day for filing is the 15th day after the last day of each quarter, or
21 October 15, 2004 for the third quarter. 2 U.S.C. § 434(a)(4)(A)(i). We have no documentary
22 evidence regarding the amount of money collected by Ms. Novacek and the Committee, or
23 whether any significant disbursements or political donations were made by the Committee.
24 However, in October 2004, Ms. Novacek informally told RAD that the Committee has engaged

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1 in more than \$50,000 worth of activity. From the statements in its mailings and phone scripts, it
2 appears that the Committee, at least in part, promoted President Bush directly; intended to affect
3 federal elections; targeted Republicans for voter registration; and attempted to conduct voter
4 mobilization activities. See Attachment 4, Committee Mailing; Attachment 5, Committee Call
5 Script. Accordingly, those funds were subject to allocation among federal and nonfederal
6 candidates and could be subject to federal contribution limitations. See AO 2003-37 at 2-4, 9-10,
7 13, 15, and 20; 11 C.F.R. §§ 106.1, 106.6(b), 106.6(c).

8 Despite repeatedly acknowledging that it was and is required to file reports with the
9 Commission regarding its finances, to date, the Committee has failed to file any financial report
10 with the Commission. Those repeated failures occurred despite the Commission's explicit
11 instructions directly to Ms. Novacek. First, in May 2004, Ms. Novacek admitted that she knew
12 the Committee was required to file a report with the Commission in July; however, the
13 Committee did not file a report in July 2004. See Attachment 10, Letter to United States Postal
14 Inspector. Then, in July 2004, despite her previous acknowledgement, Ms. Novacek claimed that
15 she only learned on June 30, 2004 that she was required to file with the Commission any reports
16 for the Committee. Ms. Novacek further claims that she then contacted the Commission's Office
17 of Public Information, which purportedly advised her that the report would be filed late and,
18 therefore, she should wait to file the report until after the third quarter. Even in the unlikely
19 event that the Office of Public Information actually gave this advice to Ms. Novacek, and the
20 Committee, Ms. Novacek knew, as of June 30, 2004 at the latest, that she was required to file
21 with the Commission any reports on behalf of the Committee.

22 Second, long after that conversation with the Commission's Office of Public Information,
23 on the morning of October 14, 2004, Ms. Novacek contacted RAD, stating that she had only

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1 recently learned that the Committee was required to file reports with the Commission and
2 requested assistance from RAD.¹¹ At that time, Ms. Novacek informed the RAD analyst that the
3 Committee had engaged in more than \$50,000 worth of activity, which prompted the RAD
4 analyst to advise Ms. Novacek that the Committee was required to file electronically with the
5 Commission. Ms. Novacek informed the RAD analyst that she had yet to even request an
6 electronic password from the Commission. The RAD analyst advised Ms. Novacek to fax a
7 request for an electronic password immediately and to file the report (even if the report would be
8 filed after the October 15, 2004 deadline) as soon as she received the password. To date, it does
9 not appear that Ms. Novacek has requested a password and she has not submitted any report to
10 the Commission. On November 2, 2004, RAD sent the Committee via Ms. Novacek a Notice of
11 Failure to File. On December 17, 2004, RAD sent the Committee via Ms. Novacek a second
12 Notice of Failure to File. To date, Ms. Novacek has not responded to either Notice.

13 The Commission repeatedly instructed Ms. Novacek directly when and how to submit the
14 Committee's reports to the Commission. Furthermore, the Committee apparently has engaged in
15 a significant amount of activity for the calendar year involving more than \$50,000. Except for
16 the minimal reports filed with the Texas Ethics Commission (which do not demonstrate \$50,000
17 worth of activity and which were last filed at the end of July 2004), that money is unaccounted
18 for by the Committee and Ms. Novacek. To date, the Committee has failed to file any report
19 with the Commission reflecting any donations or contributions received, disbursements made, or
20 cash on hand, other than the Statement of Organization filed in May and amended in September.

21
¹¹ Ms. Novacek also asked the RAD analyst whether the Committee could accept unlimited contributions from one source and whether the Committee could accept corporate contributions. The RAD analyst advised Ms. Novacek of the contribution limitations and directed her to the BCRA supplement on the Commission's website for additional information.

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1 Finally, it appears that the Committee and Ms. Novacek committed knowing and willful
2 violations of the Act. The Committee's response states that the Committee is a first-time filer
3 and implies that it should be excused from any penalties for its violations of the Act. However,
4 the Committee's and Ms. Novacek's actions demonstrate that failure to file with the Commission
5 proper reports was not accidental: by her own account, Ms. Novacek had been repeatedly
6 informed that she was required to file with the Commission reports on behalf of the Committee
7 and failed to do so. Indeed, RAD has notified the Committee through Ms. Novacek on two
8 separate occasions that it failed to file appropriate documents with the Commission, but the
9 Committee and Ms. Novacek did not respond to either notice. If the Committee and Ms.
10 Novacek were "confused," as they apparently allege in their response, one would think they
11 would have made at least an attempt to inquire about why they were receiving non-filer notices.
12 Moreover, in light of the potential section 441h(b) violations, the Committee's and Ms.
13 Novacek's failure to file reports of receipts and disbursements with any authority except the
14 Texas Ethics Commission, and their failure to file reports with any agency at all after July 2004,
15 raises questions as to whether the Committee and Ms. Novacek are intentionally hiding what they
16 have done with the money they have collected.

17 Accordingly, this Office recommends that the Commission find reason to believe the
18 Committee and Jody Novacek, in her official and personal capacities, knowingly and willfully
19 violated 2 U.S.C. §§ 433(a) and 434(a).

20 ***F. Jason Novacek and Freeda Novacek***

21 Jason Novacek and Freeda Novacek have not responded to the Complaint. The publicly
22 available information demonstrates that Jason Novacek and Freeda Novacek were listed as
23 directors of The Republican Victory Committee, Inc. on the Committee's IRS Form 8871 (Notice

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1 of Section 527 Status) filing. Because they are directors and not treasurers of the Committee,
2 this Office would be required to make any recommendation against Jason and Freeda Novacek in
3 their personal capacities. However, at this time, we have no other information regarding either
4 respondent's actual involvement in or with the Committee that would warrant such a finding.
5 Indeed, this Office does not yet possess *any* information on these individuals except to know that
6 they were listed on the Committee's filing as directors. Accordingly, this Office recommends
7 that the Commission take no action at this time regarding Jason Novacek and Freeda Novacek.
8 If, during the course of the investigation of this matter, information regarding either Jason
9 Novacek's or Freeda Novacek's role or involvement in the Committee's actions with respect to
10 these calls and mailings is discovered, this Office will amend its recommendations accordingly.

11 **G. Conclusion**

12 Based on the foregoing information, this Office recommends the Commission find reason
13 to believe that the Republican Victory Committee, Inc. a/k/a Republican Victory 2004
14 Committee, Inc. a/k/a Republican Victory 2004 Committee and Jody Novacek, in her official and
15 personal capacities, knowingly and willfully violated 2 U.S.C. §§ 433(a), 434(a), and 441h(b).
16 Furthermore, this Office recommends the Commission find reason to believe that the Republican
17 Victory Committee, Inc. a/k/a Republican Victory 2004 Committee, Inc. a/k/a Republican
18 Victory 2004 Committee and Jody Novacek, in her official capacity, violated 2 U.S.C.
19 §§ 441d(a) and 441d(c). This Office further recommends that the Commission find reason to
20 believe that BPO, Inc. and BPO Advantage, LP knowingly and willfully violated 2 U.S.C.
21 § 441h(b)(2). Finally, this Office recommends that the Commission take no action at this time
22 against Jason Novacek and Freeda Novacek.

III. INVESTIGATION

The scope of discovery in this matter will vary depending on the information that is provided by the Committee, Jody Novacek and the BPO entities in response to the Factual and Legal Analyses supporting the reason to believe findings.

In order to expedite the ensuing investigation, at this time this Office seeks authorization to issue appropriate interrogatories, document subpoenas, and deposition subpoenas. These subpoenas would be directed to the Committee, the BPO entities, representatives from each entity, Jody Novacek, Freeda Novacek, Jason Novacek, and any other relevant witnesses that may arise as a result of our investigation in this matter.

IV. RECOMMENDATIONS

1. Open a matter under review.
2. Find reason to believe that the Republican Victory Committee, Inc. a/k/a Republican Victory 2004 Committee, Inc. a/k/a Republican Victory 2004 Committee knowingly and willfully violated 2 U.S.C. §§ 433(a), 434(a) and 441h(b).
3. Find reason to believe that the Republican Victory Committee, Inc. a/k/a Republican Victory 2004 Committee, Inc. a/k/a Republican Victory 2004 Committee violated 2 U.S.C. §§ 441d(a) and 441d(c).
4. Find reason to believe that Jody Novacek, in her official and personal capacities, knowingly and willfully violated 2 U.S.C. §§ 433(a), 434(a) and 441h(b).

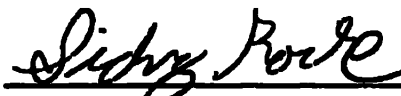
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5. Find reason to believe that Jody Novacek, in her official capacity, violated 2 U.S.C. §§ 441d(a) and 441d(c).
6. Find reason to believe that BPO, Inc. and BPO Advantage, LP knowingly and willfully violated 2 U.S.C. § 441h(b)(2).
7. Take no action at this time regarding Jason Novacek and Freeda Novacek.
8. Approve the attached Factual and Legal Analyses.
9. Authorize the use of compulsory process, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, directed to the Republican Victory Committee, Inc. a/k/a Republican Victory 2004 Committee, Inc., a/k/a Republican Victory 2004 Committee, Jody Novacek, BPO, Inc., BPO Advantage, LP, Freeda Novacek, Jason Novacek, and to other witnesses as deemed necessary; and the issuance of appropriate additional interrogatories, document subpoenas, and deposition subpoenas, as necessary.
10. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

Lawrence Calvert, Jr.
Deputy Associate General Counsel
for Enforcement

1/26/05
Date

BY: 
Sidney Rocke
Assistant General Counsel


Alexandra Dourmas
Attorney

Attachments:

1. Response of Republican Victory 2004 Committee (without attachments)
2. Statement of Organization for the Republican Victory Committee, Inc. dated May 10, 2004.
3. Amended Statement of Organization for the Republican Victory Committee Inc. dated September 1, 2004
4. Republican Victory 2004 Committee Mailing

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- 1 5. Republican Victory 2004 Committee Call Script
- 2 6. Public Filing of The Republican Victory Committee, Inc. with the IRS
- 3 7. Public filings of Republican Victory 2004 Committee with the Texas Ethics Committee
- 4 8. Dun and Bradstreet reports and public corporate records for BPO, Inc. and BPO Advantage
- 5 9. Representative news articles

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Republican Victory 2004 Committee

2100 MStreet NW Ste 170 #125 • Washington, DC 20037-1233

June 30, 2004

Lawrence H. Norton, Esq.
General Counsel
Office of the General Counsel
Federal Election Commission
999 E St., NW
Washington, DC 20463

RE: **Republican National Committee (RNC) Complaint filed June 29, 2004**
against The Republican Victory Committee, Inc.

Dear Mr. Norton:

At approximately 5pm CST yesterday evening (June 29, 2004) I received via fax a copy of the complaint filed with your office that day, from Sharon Theimer, a reporter for the Associated Press, requesting comment to meet a deadline. Today I learned from personnel at the FEC (Roger Heron (?last name spelling?), Phillip Dean and a woman in the public information office) that this document is not available nor in the public domain, and should not have been in the hands of a reporter and in fact the FEC would not even acknowledge to me receipt of this document and therefore I could not get an official copy from the FEC. Both Mr. Heron and Mr. Dean were very helpful, to the extent they could be, in helping me understand the FEC process within their areas of expertise.

My call to your office this morning was to simply acquire information on how to respond to the errors in the RNC complaint. I was very surprised to be told that only the RNC and your office should have had copies of it at this time. My impression when contacted by the reporter last night was that she acquired the document because it was available to the public – possibly off a website or a docket listing such as a courthouse would keep. However, since that is not the case, it's my impression the RNC "leaked" this to the press for their own gains. Furthermore, during my conversations with the reporter, she told me she only had the complaint and not all the attachments. However, she apparently contacted her source and got the attachments emailed to her. I was on the phone with her when she received this additional information and she sent me a second fax of these documents.

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Attachments

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I tried to reach the RNC last night after I receive the fax from the reporter and before I made comment, but was unsuccessful. This morning, I spoke with the RNC attorney that filed the complaint, Jill Vogel, to try to resolve any issues they have. Unfortunately, she was only available in her car via cell phone and did not have her documents available and therefore could not give me all the details of what the issues were and how they came to make this filing. She did say that there were other people who "worked" on this and she did not know all the details of their "findings." We agreed to talk later today when she was back at her office and I asked her how she would like me to handle any additional reporter inquiries that might result because of the AP release. She asked me to make sure I told the press that the calls we made from India were not RNC calls. I said I already had and would be happy to do so again since they were not RNC calls, but rather The Republican Victory Committee calls.

Around 2:30 pm CST I had not heard from Ms. Vogel. I placed a call into her office and spoke with her assistant, Dillon. I was told she was on a call, but she would be in the office the rest of the afternoon and could call me back. I clearly told her this morning we were not the group making calls for the RNC from India and I pointed out several errors in her facts within the complaint. I would like to address these errors in detail in this document in hopes this expedites the process and resolves any outstanding issues the RNC is concerned about. Words in bold face below are directly taken from their filing.

1. Page 2: Section I. Statement of Facts: A. Background.

- a. **Concerned individuals recently contacted the RNC** – Ms. Vogel was unable to tell me how many people called, and as such she could not identify any of them.
- b. **Caller-identification numbers returned on these calls were associated with a call center in New Dehli, India.** – This is absolutely correct. We were making calls from India on behalf of The Republican Victory Committee – not on behalf of the RNC – as they claim. Additionally, the RNC claims we were doing this with **knowingly and willfully fraudulent misrepresent.** If fraud was our intent, we would have blocked the caller-identification number so no one could trace the call. We knew the caller-id was transmitting, because we received a handful of return calls at the center. Furthermore, political calls are exempt from the law requiring ANI pass-through. We were not required to post a caller-id number, yet we did so anyway. There were two reasons for this. First, Apex's dialing system capabilities could not separate different client campaigns and post different numbers. So a number had to be posted and the number is used for all their campaigns. (Again, if fraud was our intent, we would have simply used a different call center.) Secondly, the average citizen does not know the law exceptions and thus it is in our best interests to comply and take the issue off the table before a customer brings it up.

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- c. **In "the Washington DC of Virginia."** – As the materials submitted by the RNC with this complaint attest, we had a scripted response to this question in our telemarketing script that reads, "Our office is right outside Washington DC – in Virginia." The call center is APEX CoVantage whose corporate office is located in Herndon, VA. Furthermore, I do not believe it is against any law to decline to give the location of a call center company and/or give a general location of a company. In fact, major companies such as SBC, have company policies stating not to give the location of their call centers for security and safety reasons.

Additionally, I have been doing Republican calling since 1982. This includes fund-raising, voter ID, advocacy, and get-out-the-vote. To the best of my recollection, except in the rare case when the call center was located in the state where the candidate resided, I can't ever remember a program where the client (party, committee, candidate) wanted us to disclose the location of the call center. The instructions have always been to under no circumstance disclose the location or name of the call center.

- d. **Recipients of these solicitations were led to believe that the request for money came from the Republican Party, based on the group's name, the description of the purpose and activity of the group, and the language and appearance of the group's direct mail solicitations.** - The attachments provided by the RNC shows when a consumer was confused as to what was making the solicitation request, we had a scripted response that acknowledged it can be confusing. That there were lots of groups plus candidates. Our script reads, "The Republican Victory Committee is a national group that supports state and local candidates. Your gift will go to help candidates in your state who are in close races and need help to put them over the top." The main purpose of forming our group was to have funds available to help candidates at the state and local levels win close elections by mobilizing voters. Our plans are to evaluate close state and local elections approximately one month before an election and to implement a get-out-the-vote campaign in that area. We are a Republican-leaning group, so we will target registered Republicans in that area and not only encourage them to get to the polls, but offer to assist them in securing transportation if they needed it and offer to make a special reminder call on election day – for example, to their office an hour before they go to lunch – so they remember to vote on their lunch break. In the future we may also do advocacy work, but at this time, being a start-up operation, our intent is to focus on voter mobilization of registered Republicans.

With regard to the name of the group, we did a name search and found no issues with our name selection. Furthermore, there are other groups that use the words "Republican," "Victory" and "Committee" in their names that are not affiliated with the RNC. The RNC acknowledges in the

complaint they have no ownership of the term "Victory Committee." However, before this morning's conversation with Ms. Vogel, I was unaware that the RNC had a "Victory Program" and I currently do not know the purpose nor if this program is raising money.

Is there some "confusion" in the general consumer marketplace of political fundraising? There is. However, it existed long before the organization of The Republican Victory Committee. The RNC's own telemarketing scripts direct a consumer to wait until they get a specific envelope to mail in their contribution - instructing them to do so because they know the consumer could very well have a letter in their home from the Republican National Senatorial Committee (or one of the other groups or candidates) and could mail the contribution to another group thinking it was who just called. We have in fact received back our pledge responses that state such things as "I just sent the check to Bush-Cheney." In the past we have tossed these out, but I will be keeping any we receive going forward. I'm sure every organization - including the RNC - receives such notes as part of their fundraising efforts. It does not mean the RNC's telemarketers fraudulently misrepresented themselves as raising money for the Bush campaign. Likewise, we did not tell consumers we were the RNC or the Bush campaign.

With regard to our use of an "eagle" in our logo, Postal Inspector Dominic Pinto told me this was part of the RNC's complaint to them. In our response to the Post Office we provided information on where we got the logo - which was from a website clipart.com. I also faxed this information to the reporter last night. While I was on the phone with her, she got her email of additional attachments from her source. This was after she had received our clipart.com document. She pulled up one of the down-loaded documents and said our letter had Ed Gillespie's name on it and the words Republican National Committee with an eagle. I told her that was absolutely not our letter and that the RNC had the wrong group. I specifically asked her if this letter had the same eagle as the one I had faxed her and she said yes. Then we had a short discussion about the odds of two groups picking the same logo. I was floored this could happen, but it wasn't out of the realm of possibilities since we got the logo off a public website. Within about 5 minutes she had up-loaded all her attachments and had figured out the letter of discussion was in fact an RNC letter, not ours; and she had not looked at our eagle logo and when she did find they are different.

I've attached the same clipart.com documentation herein.

- e. The RNC asked those who contacted the Committee to forward any solicitation materials or other information that they received... as a result, we have detailed information regarding fraudulent phone and

mail activity, which has ultimately been the basis for independent inquiry by the U.S. Postal Service and other investigators. – If the RNC has materials from “those who contacted the Committee” they have NOT provided it as attachments to the complaint. The materials attached are documents we provided the Postal Service in response to their inquiry. According to Inspector Pinto, this inquiry was a result of the RNC filing a complaint with them. The Postal Service did not independently investigate us – it was a result of an RNC inquiry. Furthermore, the inquiry resulted in the minimum action taken to dismiss the claim. The RNC filed the complaint. The Postal Service sent notice to us they were holding our mail and requesting documents. We provided documents and the issue was dismissed immediately – without a hearing before a judge – because the RNC claims were unfounded. Furthermore, the RNC had 14-days to challenge the dismissal and they did not. In their complaint to the FEC, they of course fail to mention these facts and did not attach the dismissal notices. I provided this documentation to the AP reporter and have also attached it herein.

As to “other investigations” the RNC does not provide information in the FEC claim and I know of no other investigation.

- f. The recipient of the call was eventually transferred to Jody L. Novacek in Dallas, Texas, who claimed to be the Chairman of the group, and thus further information forming the basis if this complaint came to light. – Although I no longer have the name of this “recipient” I am very confident this is a gentleman I spoke to since there was only two incidents with an irate customer and therefore I am confident I absolutely know the circumstances of this call. I believe the man was from California, but I will be checking my telephone records this week to try to identify the man’s telephone number. The call was NOT transferred to me – I actually CALLED THE MAN BACK. I happened to know of the call because I was on the telephone with the call center when I was informed there was a very irate customer on the line with one of the agents. The man was insisting on talking to a supervisor – which the call center honored, but the man was not satisfied with talking to the supervisor. I instructed the call center to tell the man he would get a call back from me and they gave him my name. He kept our agent on the phone for approximately 30-40 minutes. An average call is 2-3 minutes. He wanted to be transferred, but we couldn’t transfer the call from the calling system. The supervisor kept coming into the room where I was on the phone and telling me the man would not let the agent off the phone and kept yelling at him that he had to transfer the call, which was impossible. By this time I had the man’s name and telephone number and was planning to call him to address whatever he was upset about. I sent the supervisor back out to the calling floor to tell the man I could not call him until he hung up. The man did not want to hang up and kept yelling at

the agent not to hang up on him. In the Indian culture they are very polite and hanging up with someone who was irate is very counter to their personalities. I sent the supervisor out 2 or 3 times finally instructing the supervisor to take over the call and hang up on the man.

I called and talked to this man and there should be a record on the phone bill that will identify this call. I told him the call did generate from India. I provided him my information and the address of our post office box in Washington, DC. I did not refer to myself as the "Chairman", although if I had, this gentleman appeared to be knowledgeable about the RNC and he certainly would have known the Chairman was Ed Gillespie. If our callers had represented we were fund-raising for the RNC and I had said I was the Chairman, surely he would have questioned me on the validity of this claim. But, since we were not claiming to be the RNC, nor did I say I was the Chairman of the RNC, it's a discussion we did not have. He was told we were The Republican Victory Committee. He further told me he had lived in Washington, DC, so he was familiar with the address I had given him. He knew the calls were from India because he had already returned the caller ID number when I reached him. Additionally, shortly after this (meaning a couple days), the call center got a call from a man who identified himself as Trevor on the same number caller-id number. I know a Trevor Person who works at the RNC. Although I have never met Trevor, we have talked on the phone over the years and I know him to the extent that his last name is pronounced "Pearson" although spelled "Person". My assumption is this gentleman passed on the information we provided him to the RNC and since they did not outsource to off-shore call centers, Trevor was making an inquiry.

At the time I was unaware of what has been termed the "urban legend" that the RNC outsourced calls to India. If I had known this at the time, I probably would have called Trevor. I learned of this issue on June 4, 2004 when I received a voicemail from a friend in the DC area the day this topic was discussed in the Washington Post in a column entitled "In-the-Loup" written by Al Kamen. This is the first I knew of the India call center issue at the RNC. I went to the Post website and read the article several days after the voicemail. A person has to register to get on the site and I will be more than happy to provide you authorization to obtain the registration date/information from the Post if you need it to verify the date I became aware of the RNC's "urban legend."

To the best of my knowledge, the only calls we received from the caller-id number were these two. We also had a man mail us back a note that said he was going to send our stuff to his state party and the RNC for verification and would send his pledge after hearing back from these two groups.

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There was also a man from Pennsylvania who was upset the caller used his first name versus "Mr. ____." Again the call center past on this name and number and I called this gentleman back to apologize. We ended up having a very nice long conversation. Although I don't remember his name or where exactly he lived, phone records should reveal his phone number. Additionally, he was either the current or past county party head. And, he told me he greeted President Bush recently when the President flew in to attend the Little League World Series. It was a long conversation and he shared with me how his particular county use to be Democrat, but now all the major offices were Republican. I told him I lived in Texas and of course when Bush was re-elected Governor, he led the way for a similar "sweep" and that I placed several 100,000 phone calls to help with these elections. I shared with him we were a new group and our goals for "building a better mouse trap" when it came to voter mobilization. It was a very pleasant call and he was so kind to offer any help he could extend us.

And, finally, I was monitoring calls one evening, early in the programs existence, and happened to hear a call we had with the wife of the California Republican Party head. She pledged and we mailed her a pledge letter.

I know of no other "complaints" to the RNC in association with our calls. In all cases, we have responded immediately -- the same day when possible or the following day. This includes calling the irate CA man, calling the Postal Service and calling the FEC first thing this morning after being contacted by the AP reporter last night. The reporter actually FAXED her request to speak with me because the number she had happened to be hooked up to a fax machine. So I even called the reporter to respond to her inquiry.

With all due respect, these are not the actions of an organization who's conducting fraudulent activity and everything the RNC has provided in this complaint appears to be the information we provided the Postal Service. If they have other materials, they have not included these in the complaint they filed with the FEC. Additionally, if fraud was our motives, it would seem reasonable we would have "shut down" after knowing we got a call from the RNC (Trevor Person) or even earlier when we talked with the wife in CA. We most certainly would not have mailed her a pledge letter and I would not have been giving my name out and returning calls to people who were upset. We did not shut down this call center until negotiations on the terms of EXPANSION of the program broke down. We were planning to increase the India calling activity in May, June and July of this year. That would not have been the case if we were conducting fraud and had been "discovered."

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2. Pages 2-3: Section I. Statement of Facts: B. Factual and Legal Analysis.

- a. **At the time of these solicitations, this group lacked the means to effectuate any of these claims because it was not a federally registered political committee nor, based on a review of disclosure agencies, registered as a political committee in a single state. – Although I do not know this for a fact, my assumption is the RNC also has a copy of our 3-page letter sent to the US Postal Service in response to their inquiry. The RNC has the attachments that were sent as part of this letter and therefore I'm assuming they also have the letter. In this letter we acknowledge the wrong form was filed with the IRS and that has been corrected with no penalty from the IRS. (Again, this is information we provided freely.) We are new and first-time filers in this process. To file for non-profit status, the IRS website instructed us to use Form 1023. The instructions on this form say you have 15 months to file and the IRS then sends you a "determination letter" telling you if you qualify as a non-profit organization and if so, under what classification. It says you can raise money. However, if it is determined you do not qualify as tax-exempt, you must pay taxes on your revenues. We have attached a copy of this document. It does not say if you are filing as a political group you use another form.**

During my first phone call with Inspector Pinto, I told him we had not received our IRS determination letter. In preparing the documents to send him, we called the IRS to inquire if they had made a determination so we could include it. Through these discussions, it was discovered that we – not the IRS – could "determine" our status as a Section 527. However, this required a different form – 8871. This is the form we should have filed and did so immediately online. We have attached the 3-page letter to the Postal Service that gives further details in this area.

So the RNC claim that we had not filed for political status at the time of the calls is correct. However, if they have a copy of the 3-page letter to the Postal Service they also know it was an incorrect filing based on IRS Form 1023 instructions.

Additionally, based on Form 8871 we planned to file our reports with the FEC on a semi-annual basis. We've attached the documents that state it's our choice to report monthly, quarterly or semi-annually. We also know this report is due in July. And, I was quoted in the AP article saying we planned to submit our first report in July. Since my discussions with Phillip Dean at the FEC this morning, I have learned that the information we have stating it is our choice to file semi-annually is incorrect and we must file quarterly.

We did not know we were required to file Form 1 with the FEC. During my discussions with Phillip Dean at the FEC this morning, he initially said he didn't think I needed to file Form 1 because we are not planning to be active in any federal election, but rather state and local. However, I expressed to him we would rather file with the FEC versus dealing with 50 state filings. From a resource perspective, we felt this was the best option. He told me we could file with the FEC, but from their side they really only wanted to deal with organizations who were involved in federal elections.

As we talked more, it was determined since our voter mobilization efforts would be targeted towards voters in a specific area where a local or state candidate need help to win, but that we planned to be "general" in our scripting, that our efforts would in fact impact federal elections since it is assumed a Republican voter has a high probability to vote for a federal Republican candidate, and therefore Form 1 should have been filed. This will be completed and sent certified mail by close of business, July 2, 2004. It only seems reasonable that at the time we made the IRS correction, if we knew the Form 1 requirement, it would have been filed then. At that time, we had no idea the Postal Service was going to dismiss our claim based on the documents we provided. In fact they had scheduled the hearing for June 2, 2004. If we had known Form 1 was a requirement and knowingly did not file it at that time, we would have knowingly jeopardized the contributions the Postal Service was holding and they would have been returned to the sender. Our actions show that we wanted nothing but to correct any errors in our filings.

Furthermore, we would like to point out that once again filing information is incorrect on an official government document – this time on the FEC's Form 1. Mr. Dean told me we should have filed this within 10 days of spending or raising \$1,000. Our discussion about filing Form 1 that included we could not file it today (June 30, 2004) on-line. It had to be mailed in and since today was the last day in June, the FEC would not receive it until sometime in July. Thus Mr. Dean told me we would not have to file a quarterly report in July – but rather after the next quarter. He also gave me instructions on where to find the form off the website. When I printed both the form and the instructions off, I came across the following:

...must file reports in an electronic form under 11 CFR 104.18 if they have either received contributions or made expenditures in excess of \$50,000 during a calendar year, or if they have reason to expect that they will exceed either of those thresholds during the calendar year. If your committee has reached this level of activity, you must file this form in an electronic format.

Mr. Dean's instructions were our only option was to mail in Form 1. So I immediately called him back and asked about this since we expect to

receive contributions in excess of \$50,000. He told me that it was a big contention within the FEC because you in fact could NOT file this form online as instructed and it HAD TO BE MAILED IN.

Furthermore, if the RNC had not filed this complaint, the FEC would have received our July report and my assumption is you would have notified us that we had not filed Form 1. At that time we would have corrected the issue, as we are now.

All this said, as a new group we have made filing errors based on a lack of clear and correct instructions from governmental agencies and their websites. When these errors have been brought to our attention, we have corrected them immediately. These are not the actions of a group intent on fraud. None-the-less, as with the IRS filing, I asked Mr. Dean if we were subject to a penalty for not filing Form 1 on time, and who I should contact to resolve the issue. He said that there could be a penalty, but penalties had been waived for groups, especially first-time filers and that the maximum would be 2 times the amount of donations, and it would be based on findings after we submitted Form 1.

Additionally, my concern is because this has come to light unfortunately on the last day of the quarter, and therefore our Form 1 will not be received until July – and we have fundraising activity in the first and second quarters – yet our report will not be due now until after 3rd quarter – is there anything we can or need to do to “back-file” reports? When we file after 3rd quarter, we do not want issues regarding our 1st and 2nd quarter fundraising to re-surface at that time. If at all possible, we would like to “back-file” so this issue can be put to rest. If this is not an option, we would like written confirmation that our first report is due after 3rd quarter.

- b. ...from representatives of Apex CoVantage, L.L.C.... After apparent contractual problems, Apex contacted the RNC to verify that the solicitation efforts of “The Republican Victory Committee” and “The Republican Victory 2004 Committee” were, in fact, legitimately associated with the RNC. Apex was informed that these efforts were not authorized by the RNC, and conscientiously withheld delivery to Advantage of checks received in response to the solicitations. – I expressed to Ms. Vogel this morning that this information could not be correct. I inquired who she talked to at Apex and stated it could not have been an executive within Apex who knew the program. This is when she disclosed to me she had other people who provided her with this information and she did not know who the representative was. The executives involved with this program at Apex knew unconditionally this was not an RNC program. The extent of this knowledge is supported in several conversations with executives at Apex. After the program had

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been up for several weeks, the Chairman of Apex, who had not been involved with the program launch, asked to have a conference call to learn more about the program and outbound telemarketing in general. During this call, which also included the other owner/partner and the President of Apex CoVantage, the Chairman used "RNC" casually in the conversation. I immediately corrected him and in detail explained that there were multiple types of political organizations. Through this discussion, he became excited, reasoning that if they did well on this program they would have an opportunity to contact other political organizations and win their work. My response to this was that there was certainly opportunity, but that I knew there were some groups that would not place business offshore – one of these being the RNC. This meeting also covered plans to hire and increase the calling. Several days after this, I received a call from the other owner who had participated in the meeting. She had also been involved with the program from the beginning. She questioned me again about the RNC not placing work offshore and if I knew this as a fact. She told me that they were interviewing candidates at the call center for this program and several of these candidates were saying their qualifications included fundraising for the RNC at another call center. My response was I was 99.8% sure all the RNC work was state-side. This was based on a conversation I had with Jeff Johnson at the RNC 1-2 years earlier inquiring about their fundraising program and if we could run it in a call center in the Caribbean. At that time Jeff told me they would never go offshore.

Finally, it was the third person who was in the conference call meeting, the President of Apex CoVantage, that called and left me the voicemail about the In-the-Loop article on June 4th. He is also the person I was working with several years ago when I called Jeff Johnson at the RNC about possibly doing work at a Caribbean call center. Thus he has known for quite some time that the RNC does not use off-shore call centers. This is why he left the voicemail message – he knew I would be interested since we had for several years had discussions on the same topic.

I had knowledge the RNC was not interested in using off-shore call centers. If my intent was fraud, no rational person would place this program in an off-shore call center, increasing the potential of drawing attention to the fraudulent activity.

- c. A further troubling consequence of this activity is that the RNC has been forced to respond to unfounded allegations that it outsourced fundraising calls to an Indian telemarketing firm. In fact, according to information available to the RNC, Ms. Novacek and her firms subcontracted with Apex for the fundraising calls that generated this false story. While harm may not be an element of a violation of the ban on fraudulent misrepresentation, respondent's repetitive conduct

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directly harmed the RNC and legitimate Republican Party efforts. - In support of this, the RNC submits it's own statement dated May, 21, 2004 quoting RNC Communications Director Jim Dyke as saying this "urban legend" has been circulating for "the better part of a year." And they attribute the source of this "urban legend" to John Kerry supporters - not The Republican Victory Committee.

On May 21, 2004 the Postal Service had dismissed the RNC complaint and released our mail. Trevor Person had already called our Indian call center and knew calls were being made. We assume they had the documents we submitted to the Postal Service. We are not a Kerry-supporting group. Furthermore, the RNC spokesperson said the "urban legend" had been around for more than a year. That's a year before we ever placed a call from India. The RNC is claiming we GENERATED this false story, when their own facts clearly show this is not true and that the false story existed before our calls began.

Anyone who does minimal research on this issue through the Internet, will discover that the RNC knows about and has responded to this story that appears to be GENERATED on work done by an Indian company named HCL. According to newspaper reports, HCL made millions of RNC fundraising calls from their Indian call centers in Noida and Gurgaon. The Apex call center is located in Gurgaon. According to the reports, up to 125 agents worked on RNC programs at any one time, during the period between May 16, 2002 and July 22, 2003. It is understandable a reporter could interpret this to be 125 total people worked on this program. However, based on my industry experience I know call centers manage their business based on work-station capacity. I would conclude this really means there were up to 125 work-stations running the program during this time period. Most call centers run two shifts, so this could mean 250 people at any one time. And, over more than a year in duration, this could easily have been more than 500 people, since there is high turnover for these jobs. Thus it is understandable we could have interviewed candidates that worked at one of the HCL call centers on an RNC program. We have attached several of the Internet articles. I did not pay the \$2.95 fee to acquire the Post article, but will certainly provide it if you need it.

The Post article says the work was contracted through Capital Communications Group, Inc. out of Mesa, AZ. We are not this group nor do we know anything about this company or any employee of this company other than what we have read over the Internet.

Further details reveal HCL was using technology that "masked" the Indian accents. We had no such technology on our calls.

My first quote to the AP reporter regarding this issue stated I understand how the RNC is trying to get to the bottom of the India call center issue, but we are not the source of those calls. Additionally I offered both the reporter and Ms. Vogel any assistance I can provide in making introductions to the Apex India call center and potentially an opportunity to talk to some of the people Apex hired who had RNC fund raising experience. Ms. Vogel said she was not interested in this offer, which surprised me greatly since she stressed how concerning the India call center issues was throughout the Party and they are making the claim that this is a contributing factor in their filing the complaint at the FEC. The AP reporter is very interesting in pursuing this and I am assisting her in this area.

Finally, regarding the general issue of outsourcing political fundraising off-shore; it's not against the law. As a Section 527 group, the IRS requirements state that we can not be controlled by a specific candidate or party and thus the RNC does not have the right to tell us what call centers we use. The Indian call center was used for approximately two months. No other off-shore center has or is being used. Nor is there any current plans to contract off-shore. All this was told to Ms. Vogel this morning. However, she was also told it does not mean we won't consider off-shore options in the future. It is clear to me the RNC is trying to say we are the source of this "urban legend" even to the extent they would leak FEC documents to the press. We are NOT. They are more interested in doing this then talking to people in India who made RNC calls because they would then have to admit they did a terrible job in selecting a vendor partner and in managing that partner. Having worked with the RNC fundraising program in the past, and also having worked with telemarketing programs with such companies as Verizon, AT&T, Provident Financial, American Express, etc.: I have first-hand knowledge that the people managing the outsourced vendors at the RNC are at the low end of the knowledge scale within the telemarketing industry. It's not necessarily their fault. It's not their core competency. And, the person who manages the vendors daily makes very little money for Washington DC. He's probably received raises over the years, but when he started approximately 8 years ago, I believe his salary was around \$25,000 per year.

Additionally, when I spoke with him 1-2 years ago about off-shore, he said they had recently added that clause to the contract. This leads me to believe the clause was NOT in the agreement the RNC potentially signed with Capital Communications Group, Inc and thus if RNC calls were made in India through this company, the RNC would have no legal recourse against Capital and would have to accept responsibility for the calls themselves.

- d. **Although I have notified Ms. Novacek of the serious consequences of this activity** – Through the Postal Service inquiry, I was aware that the RNC asked for the investigation and thought the issue was put to rest when the dismissal was issued and no challenge was filed. When I was contacted by the AP reporter last night, I told her I had been out-of-town for two weeks. The faxes she sent me were the first I knew the RNC had outstanding issues with us. When I spoke with Ms. Vogel this morning, she said she had mailed me a letter and I told her I had not had an opportunity to go through my mail. I have since and discovered she did in fact send a letter asking that I contact her.

Additionally, if Ms. Vogel has the 3-page Postal Service response letter, she also has my phone number. No voicemail messages have been left prior to filing the complaint so I assume she made no attempt to contact me by phone. It appears they did the minimum of send a cease and desist letter.

If I had known she was trying to contact me, I would have called her. In fact, I called the RNC last night after receiving the fax from the reporter in hopes of talking to Ms. Vogel before I made a quote to the press. (At the time I had no idea the RNC probably leaked the FEC complaint to the reporter.) This was after 6 pm EST and the RNC automated system was not functioning to direct me to the legal department, as it did this morning when I called first thing. I told the reporter this last night and Ms. Vogel this morning. However, my phone records will show I attempted to call the RNC before I called the AP reporter back and I called the RNC first thing this morning before Ms. Vogel was in the office and I had her assistant Dillon give her my phone number which she returned from her car.

3. **Page 4: Conclusion**

The claim that our actions are **knowing and willful fraudulent misrepresentations** are simply not true. Have we made some filing errors? Absolutely and these are being corrected as expeditiously as possible. I don't believe filing errors constitute fraud. Mr. Dean told us first-time filers have made filing errors in the past and have had penalties waived. We hope this is the determination in our case, however, we realize our filing errors may result in a penalty from the FEC. Further, we have responded to any and all questions regarding our activity as quickly and openly as possible, and it appears the RNC's FEC complaint's only documentation is what we provided the Postal Service. These documents were not requested by the Postal Service. It was I who contacted Inspector Pinto, questioning him on what I should provide to resolve the matter. To the best of my knowledge, he did not even know telemarketing scripts

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existed. We have been totally cooperative and forthcoming in all these matters and will continue to do so with any requirements of the FEC.

Additionally, we have attempted to work with the RNC to understand what the real issues are. Although I realize it's early in this dialog, since it's after 9 pm CST as I complete this document, I must say it is disappointing Ms. Vogel did not return my 2:30 pm phone call; nor did she keep her commitment to talk when she was back in her office with access to all the documents. Maybe she started "digging deeper" into some of their claims and she's finding they are not true, such as Apex's knowledge this was not an RNC program.

The extent of her understanding of the telemarketing fund-raising process is a perfect example of her jumping to conclusions regarding our activity and my belief the real motive here is to find a scapegoat for their India call center issue. This is exemplified in the conversation I had with her this morning. She said we were fraudulently misrepresented ourselves and I said we had not. Her response was, "How can you say that when you were using George Bush's and the GOP's website addresses in your printed materials?" This accusation is quite frankly laughable. My response was that we had not used these website addresses on our printed materials. (However, if we had I don't think publishing these web addresses would have been illegal. There are many websites not associated with the RNC or the Bush Campaign that have these links. If we put up a website, we very likely would place a link to the Bush website.) She interrupted and insisted she had seen this in our materials. I informed her what she saw was in the telemarketing script materials. We had both these website addresses and the RNC's telephone number available to the callers if a customer requested this information. I went on to tell her one of the things we heard quite often during the calls were requests for a Bush-Cheney bumper sticker. We went to the Bush website and found a section called "W Souff" that had all kinds of merchandise. We added this to be of service to the customers. It should also be pointed out that our script materials clearly state the money raised through this call would not go to the Bush campaign. I can't believe the RNC is claiming willful fraud because we helped a Republican supporter acquire a Bush bumper sticker. I can believe the RNC filed this complaint in its over-zealous quest to not only find a scapegoat for the India issue, but because they don't want us using an off-shore call center and that Ms. Vogel wrote the claim without thoroughly examining and investigating the materials and information within the RNC's possession.

From our side, the lines of communication with any party inquiring about our activities has always been and remains open. I appreciate your time in reviewing this lengthy document. Please contact me at any time regarding these matters. It is my wish to quickly resolve the issues and as in the case when we were notified of the Postal Service inquiry.

no new solicitations are being made until this is resolved. We had planned to begin solicitations again after the July 4th holiday, but this has been put on hold based on this new complaint. Thus, the RNC's actions have seriously harmed our fund-raising goals and objectives and we believe they are based on their quest to find a scapegoat for the "urban legend". They simply have the wrong group and since we are new to the game, we are easy bait to attack. Any assistance in expediting this matter will be greatly appreciated. I can be reached at 972-910-0025.

Sincerely,



Jody L. Novacek

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FEC
FORM 1STATEMENT OF
ORGANIZATION

Office Use Only

1. NAME OF
COMMITTEE (in full)(Check if name
is changed)Example: If typing, type
over the lines.

12FE4M5

THE REPUBLICAN VICTORY COMMITTEE INC

ADDRESS (number and street)

(Check if address
is changed)

1221 LAKERIDGE LANE

IRVING

TX

75063

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

972-910-10024

2. DATE

05 10 2004

3. FEC IDENTIFICATION NUMBER ►

C

4. IS THIS STATEMENT

X

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jody Novacek

Signature of Treasurer

Jnovack

Date

06 30 2004

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only				
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For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

FE3AN042.PDF

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1004

5. TYPE OF COMMITTEE (Check One)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate
Party AffiliationOffice
Sought:

House

Senate

President

State
District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.
- (e) ☒ This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship

Type of Connected Organization:

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

Write or Type Committee Name

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name JODY NOVACEK

Mailing Address 11221 LAKERIDGE LANE

IRVING TX 75063

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

DIRECTOR Telephone number - -

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer JODY NOVACEK

Mailing Address 11221 LAKERIDGE LANE

IRVING TX 75063

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

TREASURER Telephone number - -

Full Name of Designated Agent JODY NOVACEK

Mailing Address 11221 LAKERIDGE LANE

IRVING TX 75063

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

TREASURER Telephone number - -

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

BANK OF AMERICA

Mailing Address

154.00 MAC ARTHUR BLVD

IRVING

TX

75038

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

FEC
FORM 1STATEMENT OF
ORGANIZATION

SEP - 3 P 12:29

Office Use Only

1. NAME OF
COMMITTEE (in full)(Check if name
is changed)Example: If typing, type
over the lines.

12PB445

THE REPUBLICAN VICTORY COMMITTEE

ADDRESS (number and street)

11221 LAKERIDGE LANE

(Check if address
is changed)

LIVING

TX

75063-

CITY A

STATE A

ZIP CODE A

COMMITTEE'S E-MAIL ADDRESS

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

872-910-10024

2. DATE

09 01 2004

3. FEC IDENTIFICATION NUMBER

C00403113

4. IS THIS STATEMENT

NEW OR

OR

X

AMENDED (N)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jody Novacek

Signature of Treasurer

J Novacek

Date: 09 01 2004

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this statement to the penalties of 2 U.S.C. 4407.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-431-6880
Local 202-304-1100FEC FORM 1
(Revised 03/2003)3
of 4

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5. TYPE OF COMMITTEE (Check One)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of
CandidateCandidate
Party AffiliationOffice
Sought:

House

Senate

Presidential

State

District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of
Candidate

- (d) This committee is a

(National, State
or subordinate) committee of the(Democratic,
Republican, etc.) Party.

- (e) This committee is a separate segregated fund.

- (f) ☒ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship

Type of Connected Organization

Corporation

Corporation with Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

FEC Number

2 of 3

REC Form 1 (Revised 02/2003)

Page 5

Write or Type Committee Name

2. Custodian of Records: Identify by name address (phone number - optional) and position of the person in possession of committee books and records.

Full Name W.D.DY NOVACEK
 Mailing Address 11221 LAKERIDGE LANE
IRVING TX 75063
 Title or Position CITY STATE ZIP CODE

TREASURER Telephone number

3. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer W.D.DY NOVACEK
 Mailing Address 11221 LAKERIDGE LANE
IRVING TX 75063
 Title or Position CITY STATE ZIP CODE

TREASURER Telephone number

Full Name of Designated Agent W.D.DY NOVACEK
 Mailing Address 11221 LAKERIDGE LANE
IRVING TX 75063
 Title or Position CITY STATE ZIP CODE

TREASURER Telephone number

FEDERAL LAW

PAGE 3
3 of 9

11044291156

REC Form 1 (Revised 02/2003)

Page 1

8. Banks or Other Depositories: List all banks or other depositories in which the corporation maintains funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

BANK OF AMERICA

Mailing Address

5400 MAG ARTHUR BLVD

IRVING

TX

75038

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲



Republican Victory 2004 Committee

2117 L Street NW # 125 • Washington, DC 20037-1524

March 10, 2004

«FirstName» «LastName»
«Address1»
«City», «ST» «ZIP»

DEAR «FirstName»,

Thank you for speaking with my assistant «Agent» by telephone recently and your generous pledge of \$«PLD»00. I'm grateful our Party can count on your help to support Republicans across the country win elections. We are fortunate to have President Bush in the White House and our top priorities are to improve the American economy and defeat Democrats at all levels. Your gift will help local and state candidates running for office in your state. Strong support at the local and state levels will help get Republicans to the polls in November.

As you've heard on the evening news, the Democrats are hard at work raising money and distorting the Republican record and agenda. Your pledge of \$«PLD»00 is critical in our efforts to build support for Republicans at all levels as we prepare for the November elections. I hope you'll send your generous gift promptly.

Please return the receipt below to ensure your gift is processed properly. For your convenience, we've enclosed a postage-paid, stamped envelope. Thank you again!

Sincerely,

Anna Collins

Anna Collins
Membership Chairman

----- (cut here & return receipt with your pledge) -----

MAIL TO:
Republican Victory 2004 Committee
2117 L Street NW # 125
Washington, DC 20037-1524

FROM: «FirstName» «LastName»
«Address1»
«City», «ST» «ZIP»
APX030904

The Republican Party can count on my support to help candidates at the state & local level. I'm proud to help our Party prepare for the November election. My contribution is enclosed:

() \$«PLD»00 () \$_____ Other

Please make your check or money order payable to: Victory 2004.

Federal election law requires us to report the following information:

Occupation: _____ Employer: _____

() Check if Retired

() Check if Self-Employed

Contributions or gifts to the Republican Party are not deductible as charitable contributions for federal income tax purposes. Paid for by the Republican Victory 2004 Committee and not authorized by any candidate or candidate committee. Thank you for your support!

11044291158

REPUBLICAN VICTORY COMMITTEE SCRIPT**2004**

Hi. This is (YOUR FIRST NAME). Is (LEAD FIRST NAME) home?

IF NOT HOME – POSSIBLE SPOUSE: Are you a registered Republican?

IF NO: I'll call back. Thank you. Goodbye. (SET AS CALLBACK)

IF WHO'S CALLING: This is (Your First Name). Is (Lead FIRST NAME) available?
 (When Not Home) This is (Your First Name). I'll Callback. Thank you. Goodbye.
 (When Spouse) This is (Your First Name). Are you a registered Republican?

IF YES: Hi. I'm/This is (YOUR FIRST NAME) calling for the Republican Victory Committee. As you know, John Kerry is on the news everyday. It's going to be tough to beat the Democrats this fall. So, it's important to support our state candidates and President Bush's agenda.

Your financial help is critical so Republicans can win at the state and local levels. Join us with a pledge of just \$65, **OKAY!**

IF YES: (TO CONFIRMATION)

IF NO : (TO APPROPRIATE REBUTTAL OR CONTINUE)

2nd ATTEMPT

I understand. Your pledge doesn't have to be so much. Why don't I put you down for just \$35, **OKAY!**

IF YES: (TO CONFIRMATION)

IF NO: (CONTINUE)

3rd ATTEMPT

A small gift of just 15 or 20 dollars will help a lot and we'll send you a letter and return envelope to mail in your pledge, **OKAY!**

IF YES: (TO CONFIRMATION)

IF NO: Thank you for your time. Goodbye.

CONFIRMATION

That's great! I need to record your information.

We have your first name as... (SPELL FIRST NAME or INITIAL)
 And your last name as... (SPELL LAST NAME)

1. 5
 5

Is this correct? **IF NO:** Can I have your name as you'd like it to appear? (CAPTURE)

We have your address as... (VERIFY/SPELL OUT ADDRESS-CITY-STATE-ZIP - MAKE CHANGES IF NEEDED)

Is this correct? **IF NO:** Can I have your correct address? (CAPTURE)

PAYMENT CAPTURE:

Your pledge is (AMOUNT), correct?

Great. We accept Mastercard, Visa, American Express or Discover. I'll hold while you get your card.

IF NO: We can send you a letter if you prefer, but using a credit card means more of your donation will help Republicans win this fall. It costs \$2.63 to mail a letter plus the bank charges another \$0.50 to deposit your check, so it's over \$3.00. Would you re-consider using a credit card?

IF NO TO CC: That's fine. To help keep our costs as low as possible, I'd like to have you fill out the check while we are on the phone and I need to give you a code to write on the memo line of the check. So, I'll hold while you get your checkbook and a pen to write with, and then we're done, OKAY!
(HOLD WHILE THEY GET A PEN & CHECKBOOK)

IF YES CHECK: You can make your check out to "Victory 2004 Committee." (SAY SLOWLY & PAUSE SO THEY CAN WRITE)
And, you have pledged (AMOUNT). (PAUSE)
On the memo line, please write the code XX(MMDDYY). And to confirm I spoke with you, may I have the number of your check - in the upper right-hand corner? (CAPTURE)

IF NO CHECK: That's fine, I'll make a note we we're unable to do this. (TO CLOSE)

IF YES TO CC: (CAPTURE CC INFO)

Account Number

Expire Date

3-digit code on the back of the card

(VERIFY NAME ON THE CARD - CAPTURE IF DIFFERENT)

CLOSE

One more thing, I must remind you political contributions are not tax deductible. Your letter will go out tomorrow. You should receive it in 3 to 5 days. It will be in an over-sized Victory 2004 white envelope. It has a note on the outside of the envelope referencing our phone call. Since it's an election year and you're getting a lot of mail, please wait and look for the envelope that thanks you for this call and your support. Do you have any questions?

Thank you for your time and keep voting Republican. Goodbye/Goodnight.

Republican Victory 2004 Committee REBUTTALS

ALREADY GAVE – I JUST SENT A CONTRIBUTION – I JUST GOT SOMETHING IN THE MAIL – I GET TOO MANY CALLS/LETTERS – YOU JUST CALLED ME

I understand it can be confusing. There are about 5 or 6 Republican groups plus the candidate campaigns and the state and local party organizations. Let me tell you who your pledge will help. The Republican Victory Committee is a national group that supports state and local candidates. Your gift will go to help candidates in your state who are in close races and need help to put them over the top.

Since you have other requests, I'd like to suggest a small gift of just (Give Amount based on where the objection came in the script \$25 or \$15), **OKAY!**

IF YES: (GO TO MEMBERSHIP CAPTURE)
IF NO \$25: (GO TO 3rd Attempt)
IF NO \$15: Thank you for your time. Goodbye.

UNHAPPY WITH PRESIDENT BUSH

Your money will not go to President Bush. The Republican Victory 2004 Committee is a national group that supports state and local candidates.

Why don't I put you down for (Give Amount based on where the objection came in the script \$25 or \$15) today, **OKAY!**

IF YES: (GO TO MEMBERSHIP CAPTURE)
IF NO \$25: (GO TO 3rd ATTEMPT)
IF NO \$15: Thank you for your time. Goodbye.

UNHAPPY ABOUT WAR/IRAQ

I understand. It's a very difficult time. The Republican Victory 2004 Committee is a national group that supports state and local candidates. Your gift will go to help candidates in your state – not to national leaders.

Why don't I put you down for (Give Amount based on where the objection came in the script \$25 or \$15) today, **OKAY!**

IF YES: (GO TO MEMBERSHIP CAPTURE)
IF NO \$25: (GO TO 3rd ATTEMPT)
IF NO \$15: Thank you for your time. Goodbye.

3 of 5

WHAT'S THE MONEY FOR?/WHO ARE YOU?

The Republican Victory 2004 Committee is a national group that supports state and local candidates. Your gift will go to help candidates in your state who are in close races and need help to put them over the top.

I'd like to suggest a small gift of just (Give Amount based on where the objection came in the script \$25 or \$15) today, **OKAY!**

IF YES: (GO TO MEMBERSHIP CAPTURE)

IF NO/\$25: (GO TO 3rd ATTEMPT)

IF NO/\$15: Thank you for your time. Please keep voting Republican. Goodbye.

TALK TO MY HUSBAND/WIFE

I'll be happy to do that. I need his/her first name so I can ask for him/her when I call back.

(CAPTURE NEW NAME)

Thank you. I'll callback. Goodbye.

CAN YOU SEND ME SOMETHING - I DON'T DO BUSINESS OVER THE PHONE

We can send you a letter and an envelope to mail in your check for \$(AMOUNT), correct?

IF YES: (GO TO MEMBERSHIP CAPTURE)

IF NO or I CAN'T TELL YOU WHAT I'LL SEND or JUST SEND IT TO ME:

The letter we send states the pledge amount and needs to be a minimum of \$15. Please save us the mail cost if you can't commit to the minimum. Can I put you down for \$15?

IF YES: (GO TO MEMBERSHIP CAPTURE)

IF NO: Thank you for your time. Goodbye

4 ⁵ 5

DO NOT CALL – I'M ON A DON'T CALL LIST – I'M NOT SUPPOSE TO GET THESE CALLS

I'm sorry for the call. We'll put you on our list. Thank you. Goodbye.

WHERE ARE YOU CALLING FROM

Our office is right outside Washington DC – In Virginia. (GO IMMEDIATELY BACK TO SCRIPT – DO NOT PAUSE.)

WEB SITE INFORMATION & PHONE NUMBER REQUESTS

Bush-Cheney Campaign: The national headquarters is in Arlington, VA. The number is 703-647-2700. The web site is GeorgeWBush.com (GO IMMEDIATELY BACK TO SCRIPT – DO NOT PAUSE.)

Bush Bumper Stickers: You'll need to get those from the Bush-Cheney campaign. I can give you their web site. GeorgeWBush.com. If you go to the bottom of the home page you will find "W Stuff". You should find bumper stickers there. (GO IMMEDIATELY BACK TO SCRIPT – DO NOT PAUSE.)

State Party Phone Numbers/Web Sites: Since we are a national group supporting candidates at the local and state levels, we call all 50 states and I do not have each state's phone number. If you would like the Republican National Committee's number in Washington DC, I'll be happy to give you that or I can give you their web site which has links to the state party web sites. 202-863-8500 GOP.com (GO IMMEDIATELY BACK TO SCRIPT – DO NOT PAUSE.)

5
5 of 5

**Internal Revenue Service IRS.gov**

DEPARTMENT OF THE TREASURY

Political Organization Disclosure**Basic Search****Advanced Search****Based on your Search Criteria of:**

Searching for Form 8871, Form 8872, and Form 990

Organization Name: 'republican victory'

Selected Organization: 'The Republican Victory Committee, Inc.'

The following results have been found:

Current Organization Information

Name: The Republican Victory Committee, Inc.
EIN: 510507007
Address: 1221 Lakeridge Lane
Irving, TX 75063
E-Mail: no@email
Contact: Jody Novacek
Custodian: Jody Novacek

Submitted Forms

1 item found.

Form Description	Period End Date	Status	Date Posted	Submission Type (select to view)
8871	N/A	Initial	05/10/2004 03:48 PM	Electronic

Search Again[Return to Political Organization Filing & Disclosure Homepage](#)

1 of 3

11044291165

Form **8871**
(Rev. July 2003)**Political Organization
Notice of Section 527 Status**

OMB No. 1545-1693

Department of the Treasury
Internal Revenue Service**Part I General Information****1 Name of organization**

The Republican Victory Committee, Inc.

Employer identification number

81-0607007

2 Mailing address (P.O. box or number, street, and room or suite number)

1221 Lakeridge Lane

City or town, state, and ZIP code

Irving, TX 75063

3 Check applicable box:☒ Initial notice☐ Amended notice☐ Final notice**4a Date established**

01/27/2004

4b Date of material change

//

5 E-mail address of organization

no@email

6a Name of custodian of records

Jody Novacek

Custodian's address

1221 Lakeridge Lane

Irving, TX 75063

7a Name of contact person

Jody Novacek

Contact person's address

1221 Lakeridge Lane

Irving, TX 75063

8 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number

1221 Lakeridge Lane

City or town, state, and ZIP code

Irving, TX 75063

9a Election authority

NONE

9b Election authority identification number**Part II Notification of Claim of Exemption From Filing Certain Forms (see instructions)****10a** Is this organization claiming exemption from filing Form 8872, Political Organization Report of Contributions and Expenditures, as a qualified state or local political organization? Yes ☐ No ☒**10b** If 'Yes,' list the state where the organization files reports:**11** Is this organization claiming exemption from filing Form 990 (or 990-EZ), Return of Organization Exempt from Income Tax, as a census or association of state or local officials? Yes ☐ No ☒**Part III Purpose****12 Describe the purpose of the organization**

A conservative, Pro-Republican Group focusing on voter mobilization and issue advocacy at the state and local levels.

2 of 3

11044291166

Part IV List of All Related Entities (see instructions)

13 Check if the organization has no related entities. ☒

14a Name of related entity	14b Relationship	14c Address
----------------------------	------------------	-------------

Part V List of All Officers, Directors, and Highly Compensated Employees (see instructions)

15a Name	15b Title	15c Address
----------	-----------	-------------

Frédère Novacek	Director	1221 Lakeridge Lane Irving, TX 75063
-----------------	----------	---

Jason Novacek	Director	1221 Lakeridge Lane Irving, TX 75063
---------------	----------	---

Jody Novacek	Director	1221 Lakeridge Lane Irving, TX 75063
--------------	----------	---

Under penalties of perjury, I declare that the organization named in Part I is to be treated as a tax-exempt organization described in section 527 of the Internal Revenue Code, and that I have examined this notice, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that I am the official authorized to sign this report, and I am signing by entering my name below.

Jody Novacek

05/10/2004

**Sign
Here**



Name of authorized official



Date

TEXAS ETHICS COMMISSION
POLITICAL COMMITTEE SEARCH
Please Click On the Filer's ID to View Reports

PAC ID	Committee Name	Acronym	Committee Type	City	State	COH ID	Related Candidate/Officeholder	Supports/ Opposes
<u>00054316</u>	Republican Victory Committee		GPAC	Sugar Land	TX			

11044291167

7
7

The following reports have been filed.

General Report Information	Electronic Filing in Raw Text Format	Electronic Filing PDF File	Totals and Correction Aff (if Applicable)
Republican Victory Committee - 00054316 Report #: 255729 Report Type: Final Report Filed: Jul 29, 2004 Report Due: Jul 29, 2004 Filing Method: Paper	Paper Report	Paper Report	View Reported Totals
Republican Victory Committee - 00054316 Report #: 255319 Report Type: July Semiannual Report Filed: Jul 15, 2004 Report Due: Jul 15, 2004 Filing Method: Paper	Paper Report	Paper Report	View Reported Totals
Republican Victory Committee - 00054316 Report #: 244547 Report Type: 8 Days Before Election Report Filed: Mar 1, 2004 Report Due: Mar 1, 2004 Filing Method: Paper	Paper Report	Paper Report	View Reported Totals
Republican Victory Committee - 00054316 Report #: 242923 Report Type: 30 Days Before Election Report Filed: Feb 9, 2004 Report Due: Feb 9, 2004 Filing Method: Paper	Paper Report	Paper Report	View Reported Totals
Republican Victory Committee - 00054316 Report #: 240875 Report Type: January Semiannual Report Filed: Jan 15, 2004 Report Due: Jan 15, 2004 Filing Method: Paper	Paper Report	Paper Report	View Reported Totals

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2 of 7

Totals from Report for Republican Vict Committee**Filed on: Jan 15, 2004****Covering the Period Jul 16, 2003 through Dec 31, 2003**

Total Unitemized Contributions:	\$ 145.00
Total Political Contributions:	\$ 245.00
Total Unitemized Expenditures:	\$ 0.00
Total Expenditures:	\$ 62.00
Total Unitemized Pledges (Schedule B1 or B2)	\$ 0.00
Total Contributions Maintained as of the Last Day of the Reporting Period	\$ 183.00
Total Principal Amount of All Outstanding Loans as of the Last Day of the Reporting Period	\$ 0.00
Total Unitemized Loans:	\$ 0.00

11044291169

3 of 7

Totals from Report for Republican Vict Committee
Filed on: Feb 9, 2004
Covering the Period Jan 1, 2004 through Jan 30, 2004

Total Unitemized Contributions:	\$ 0.00
Total Political Contributions:	\$ 0.00
Total Unitemized Expenditures:	\$ 0.00
Total Expenditures:	\$ 175.00
Total Unitemized Pledges (Schedule B1 or B2)	\$ 0.00
Total Contributions Maintained as of the Last Day of the Reporting Period	\$ 28.00
Total Principal Amount of All Outstanding Loans as of the Last Day of the Reporting Period	\$ 0.00
Total Unitemized Loans:	\$ 0.00

1104429117

4 of 7

Totals from Report for Republican Victory Committee
Filed on: Mar 1, 2004
Covering the Period Jan 31, 2004 through Feb 28, 2004

Total Unitemized Contributions:	\$ 0.00
Total Political Contributions:	\$ 5,135.00
Total Unitemized Expenditures:	\$ 0.00
Total Expenditures:	\$ 5,180.00
Total Unitemized Pledges (Schedule B1 or B2)	\$ 0.00
Total Contributions Maintained as of the Last Day of the Reporting Period	\$ 63.00
Total Principal Amount of All Outstanding Loans as of the Last Day of the Reporting Period	\$ 0.00
Total Unitemized Loans:	\$ 0.00

1104429117

APPROVED 7
PAGE 5 OF 7

Totals from Report for Republican Vict Committee
Filed on: Jul 15, 2004
Covering the Period Feb 29, 2004 through Jun 30, 2004

Total Unitemized Contributions:	\$ 0.00
Total Political Contributions:	\$ 0.00
Total Unitemized Expenditures:	\$ 0.00
Total Expenditures:	\$ 20.00
Total Unitemized Pledges (Schedule B1 or B2)	\$ 0.00
Total Contributions Maintained as of the Last Day of the Reporting Period	\$ 43.00
Total Principal Amount of All Outstanding Loans as of the Last Day of the Reporting Period	\$ 0.00
Total Unitemized Loans:	\$ 0.00

11044291172

Page 6 of 7

Totals from Report for Republican Vict Committee**Filed on: Jul 29, 2004****Covering the Period Jul 1, 2004 through Jul 26, 2004**

Total Unitemized Contributions:	\$ 0.00
Total Political Contributions:	\$ 0.00
Total Unitemized Expenditures:	\$ 43.00
Total Expenditures:	\$ 43.00
Total Unitemized Pledges (Schedule B1 or B2)	\$ 0.00
Total Contributions Maintained as of the Last Day of the Reporting Period	\$ 0.00
Total Principal Amount of All Outstanding Loans as of the Last Day of the Reporting Period	\$ 0.00
Total Unitemized Loans:	\$ 0.00

11044291173

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15334600492

CORPORATE RECORDS & BUSINESS REGISTRATIONS

This Record Last Updated: 07/06/2003
Database Last Updated: 07-02-2004
Update Frequency: DAILY
Current Date: 07/06/2004
Source: AS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL
SOURCE

COMPANY INFORMATION

Name: BPO ADVANTAGE, LP
Address: 1221 LAKERIDGE LANE
IRVING, TX 75063

FILING INFORMATION

Filing Date: 03/11/2003
State of Incorporation: TEXAS
Duration: PERPETUAL
Status: IN EXISTENCE
Business Type: DOMESTIC LIMITED PARTNERSHIP
Address Type: MAILING
Registration ID#: 0800182089
Where Filed: SECRETARY OF STATE
1019 BRAZOS ST
AUSTIN, TX 78701

REGISTERED AGENT INFORMATION

Agent Name: JODY L NOVACEK
Address: 1221 LAKERIDGE LANE
IRVING, TX 75063

PRINCIPAL INFORMATION

Name: BPO, INC.
Title: GENERAL PARTNER
Address: 1221 LAKERIDGE LANE

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1 of 5

11044291174

IRVING, TX 75063

AMENDMENT INFORMATION

Amendments:

03/12/2003 MISCELLANEOUS; CERTIFICATE OF LIMITED
PARTNERSHIP

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☒ E-mail Report

Public Records Business Name Report: BPO inc.

Reference Number:

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D&B PUBLIC RECORD SEARCH

ATTENTION: Ewilliams
NAME ON FILING: BPO INC

DATE PRINTED: SEP 23, 2004
STATE: TEXAS

* * * SEARCH CRITERIA SUMMARY * * *

NAME: BPO INC.
STATE(S): ALL
FILING TYPES: ALL

REFINED SEARCH: NO

* * * CORPORATE AND BUSINESS REGISTRATIONS * * *

REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE AS OF 08/27/2004

NAME: BPO INC
ADDRESS: 1221 LAKERIDGE LN, IRVING, TX 75063

FILING DATE: 03/12/2003
STATUS: NOT IN GOOD STANDING

BUSINESS TYPE: TEXAS FRANCHISE TAX
PAYER
REGISTRATION ID #: 32010972043
ADDRESS TYPE: MAILING

WHERE FILED: COMPTROLLER OF PUBLIC ACCOUNTS/FRANCHISE TAX DIVISION, AUSTIN, TX

ADDITIONAL DETAILS: SOS CHARTER NUMBER: 0800182087

D&B FILING REFERENCE NO: 12301119665

REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE AS OF 09/21/2004

NAME: BPO, INC.
ADDRESS: 1221 LAKERIDGE LN, IRVING, TX 75063

FILING DATE: 03/11/2003
DATE INCORPORATED: 03/11/2003
STATE OF INCORP: TEXAS
STATUS: IN EXISTENCE

CORPORATION TYPE: NOT AVAILABLE
BUSINESS TYPE: DOMESTIC CORPORATION
REGISTRATION ID #: 0800182087
ADDRESS TYPE: MAILING
DURATION: PERPETUAL

WHERE FILED: SECRETARY OF STATE, AUSTIN, TX

REGISTERED AGENT: JODY L NOVACEK, 1221 LAKERIDGE LANE, IRVING, TX 75063

11044291176

PRINCIPALS: JODY L NOVACEK, DIRECTOR, 1221 LAKERIDGE LANE, IRVING, TX 75063

AMENDMENTS: 03/12/2003 ARTICLES OF INCORPORATION

ADDITIONAL DETAILS: STATE TAXPAYER IDENTIFICATION NUMBER: 32010972043

D&B FILING REFERENCE NO: 15331138774

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<u>Reports</u>	<u>Lookups</u>	<u>Records Search</u>	<u>Services</u>		<u>Linkage</u>	<u>Marketing Lists</u>

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U.S. Public Records

My Report Archive

☒ E-mail Report ☐ Print Report

Public Records Business Name Report: BPO inc.

Reference Number:

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D&B PUBLIC RECORD SEARCH

ATTENTION: Ewilliams
NAME ON FILING: BPO INCORPORATED

DATE PRINTED: SEP 23, 2004
STATE: TEXAS

*** SEARCH CRITERIA SUMMARY ***

NAME: BPO INC.
STATE(S): ALL
FILING TYPES: ALL

REFINED SEARCH: NO

*** CORPORATE AND BUSINESS REGISTRATIONS ***

REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE AS OF 09/21/2004

NAME: BPO INCORPORATED

FILING DATE: 08/29/1989
DATE INCORPORATED: 08/29/1989
STATE OF INCORP: TEXAS
STATUS: VOLUNTARILY DISSOLVED
STATUS ATTAINED: 04/30/1990

CORPORATION TYPE: NOT AVAILABLE
BUSINESS TYPE: DOMESTIC CORPORATION
REGISTRATION ID #: 0112472500
DURATION: PERPETUAL

WHERE FILED: SECRETARY OF STATE, AUSTIN, TX

REGISTERED AGENT: CT CORPORATION SYSTEM, 811 DALLAS AVE., HOUSTON, TX 77002

AMENDMENTS: 04/30/1990 ARTICLES OF DISSOLUTION
08/29/1989 ARTICLES OF INCORPORATION

ADDITIONAL DETAILS: STATE TAXPAYER IDENTIFICATION NUMBER: 30113529173

D&B FILING REFERENCE NO: 25435194105

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15331138774

CORPORATE RECORDS & BUSINESS REGISTRATIONS

This Record Last Updated: 05/13/2004
Database Last Updated: 07-02-2004
Update Frequency: DAILY
Current Date: 07/06/2004
Source: AS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL
SOURCE

COMPANY INFORMATION

Name: BPO, INC.
Address: 1221 LAKERIDGE LN
IRVING, TX 75063

FILING INFORMATION

Filing Date: 03/11/2003
State of Incorporation: TEXAS
Date Incorporated: 03/11/2003
Duration: PERPETUAL
Status: IN EXISTENCE
Corporation Type: NOT AVAILABLE
Business Type: DOMESTIC CORPORATION
Address Type: MAILING
Registration ID#: 0800182087
Where Filed: SECRETARY OF STATE
1019 BRAZOS ST
AUSTIN, TX 78701

REGISTERED AGENT INFORMATION

Agent Name: JODY L NOVACEK
Address: 1221 LAKERIDGE LANE
IRVING, TX 75063

PRINCIPAL INFORMATION

Name: JODY L NOVACEK

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Title: DIRECTOR
Address: 1221 LAKERIDGE LANE
IRVING, TX 75063

AMENDMENT INFORMATION

Amendments: 03/12/2003 MISCELLANEOUS; ARTICLES OF INCORPORATION

ADDITIONAL DETAIL INFORMATION

Additional Details: STATE TAXPAYER IDENTIFICATION NUMBER: 32010972043

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GOP Accuses Texas Group of Outsource Scam

By SHARON THEIMER
The Associated Press

WASHINGTON - The Republican National Committee filed a complaint Tuesday accusing a Texas group of posing as a GOP organization to raise money by phone using an Indian telemarketing firm and through fund-raising mailings.

The fund-raising telephone calls prompted false, widespread rumors that the RNC was outsourcing its donor phone calls to India, the committee's complaint to the Federal Election Commission says.

The complaint accuses The Republican Victory Committee, based in Irving, Texas, of impersonating the Republican Party and fraudulently raising money by telling prospective donors it was being solicited by the GOP for use by Republican candidates.

Jody Novacek, one of those named in the RNC complaint, said The Republican Victory Committee is a tax-exempt, political organization raising money for get-out-the-vote activities around the country.

The RNC's allegations "couldn't be farther from the truth," Novacek said in a telephone interview. "We are Republican-leaning, and the funds will be used for voter mobilization at the state and local level."

Novacek said The Republican Victory Committee started raising money in January - in part using a call center in India - but stopped in April when the U.S. postal inspector's office began an inquiry. She said the postal inspector's inquiry was resolved and her group had planned to resume fund raising after the July 4 holiday, but now would keep its solicitations on hold until the FEC complaint is put to rest.

Spokesmen in the postal inspector's office in Washington did not immediately respond to messages seeking comment.

Novacek said The Republican Victory Committee had no paid staff and was operating purely as a volunteer organization. She said the group was using a consulting and marketing firm she owns, BPO Advantage, to manage its

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fund raising and its telemarketing bills, but that money from the committee was taken only "as a passthrough to the call center" and didn't benefit BPO Advantage. The Republican Victory Committee and BPO Advantage operate at the same address.

Novacek declined to release fund-raising figures for The Republican Victory Committee, saying she had no

exact number and wasn't comfortable providing an estimate. The group's first report to the Internal Revenue Service outlining its contributions and spending is due in July.

The RNC said it was alerted to the fund raising by people who received suspicious phone calls and mailings soliciting money for the "Republican Victory 2004 Committee." Caller ID numbers were associated with a call center in New Delhi, India, and one telemarketer claimed to be in "the Washington, D.C., of Virginia," the complaint says.

The RNC said it has been in consultation with the postal inspector's office about the fund raising.

On the Net:

Federal Election Commission: <http://www.fec.gov/>

Republican National Committee: <http://www.rnc.org/>

June 29, 2004 10:12 PM

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The Telegraph

calcutta, india

| Monday, August 30, 2004 |

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Indian voices in Bush pitch - Geography error blows lid off campaign outsourcing

K.P. NAYAR



New York, Aug. 29: They are not Americans. Most of them have never even set foot on American soil.

But half way round the globe from the US, in Bangalore and in New Delhi's satellite towns of Gurgaon and Noida, a band of young men is literally burning midnight oil for the victory of President George W. Bush in his re-election bid on November 2.

As America's Republicans enthusiastically gather in New York to nominate their President for another four-year term, the work of these young Indians has, however, embarrassed the White House.

Stung by leaks that Republicans are outsourcing their election campaign work to India, the Republican National Committee (RNC), the party's highest policy-making body, recently filed a complaint with the Federal Election Commission against one of its own outfits for raising money by using Indian telemarketers.

The complaint alleged that fund-raising telephone calls from India on behalf of an organisation called the Republican Victory Committee "prompted false, widespread rumours that the RNC was outsourcing its donor phone calls to India".

The Republican Victory Committee is based in Irving, Texas, the home state of Bush. Republican sources said in private that its promoters have been long-time party enthusiasts. But the political compulsions of outsourcing have now forced the Republican leadership to disown the outfit.

The Texas outfit may have actually got away with its outsourcing exercise if it had not been for the poor training given to Indian telemarketers who handled the job. Sources here said the India-based operation was exposed when one American who received a fund-raising phone call on behalf of the Republican Victory Committee wanted to know where the call was coming from.

"The Washington DC of Virginia," the caller answered. Washington, the US capital, is actually in DC, short for District of Columbia, and Virginia is its neighbouring state.

The answer, which misrepresented American geography, triggered a series of actions which eventually led to the RNC's complaint with the Federal Election Commission.

Jody Novacek, who has been named in the RNC's complaint, told the media that the Texas organisation is "Republican-leaning and the funds (raised through India) will be used for voter mobilisation at the state and local level".

She said the committee had no paid staff and was entirely a volunteer organisation. Novacek explained that the organisation had used BPO Advantage, a consulting and marketing firm owned by her, to manage its fund raising and pay its telemarketing bills.

It started its fund-raising in January this year, but stopped in April when there were some



no one
KNOW

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BETTE



The Telegra
metr

investigations by L... tal inspectors and then resumed its activities July.

Sources here said that while the Republican Victory Committee's activities have been the most high profile in the context of outsourcing US election campaign activities, they represent merely the tip of an iceberg.

According to reports here, the Republicans have contracted 75 Indian telemarketers through HCL eServe, a subsidiary of HCL, but efforts to confirm the contract have been stone-walled by the Indian company on the ground that it does not discuss client relations.

Because the Bush White House recognises the inevitability of outsourcing as part of globalisation and has not been opposing it unlike the Democrats, it is surmised that their re-election campaign may have contracts with many Indian outsourcing firms.

The way the Republican leadership dumped the Republican Victory Committee is, however, an example of how much of a hot potato outsourcing has become in the run-up to the presidential poll.



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